

LEGITIMACY AND PENETRATION IN STABILITY OPERATIONS; SETTING THE CONDITIONS FOR PERPETUAL FAILURE

**A Monograph
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Abstract

LEGITIMACY AND PENETRATION IN A STABILITY OPERATION; SETTING THE CONDITIONS FOR PERPETUAL FAILURE by Major Ian T. Posgate, British Army, 64 pages.

State formation aims to achieve a legitimate monopoly on the use of violence and a legitimate government as perceived by its population. Governments have two principle mechanisms, force and consent, to create the conditions within which it can battle for legitimacy. Penetration is an epiphenomenon of legitimacy; it is a measure of a government's ability to implement its policies within a specific area.

Stability operations provide a mechanism by which the international community endeavors to reestablish order within a dysfunctional state. Stability operations are synonymous to state formation as they seek to assist with the establishment of legitimate government. A stabilization force seeks to simultaneously deliver; security (force), governance and development (consent) down to the local level to augment a government's penetration and enhance its battle for legitimacy.

Civilian development agencies have an ambitious agenda to provide more than a legitimate government and a monopoly on violence. They lack the capacity to conduct governance and development at the local level. This lack of capacity debilitates the consent mechanism of state formation and inhibits the simultaneous application of governance, development and security. Penetration is consequently limited to the national, district and provincial levels. Subversive and insurgent organizations are able to operate at the local level exploiting this 'capacity gap'. Thus the conditions are set for perpetual failure.

Table of Contents

Introduction	1
Figure 1. The monograph's argument	1
The Relevance of Stability Operations	7
Legitimacy Theory	10
Figure 2. Sources of Legitimacy and their interaction with society within a political system	10
Legitimacy and Stability Operations	11
Legitimacy History and Theory	12
The Requirement for Force, Consent, Penetration and Simultaneity	20
Figure 3. Force, consent, penetration and simultaneity as they relate to creating a stable legitimate government	20
Consent	22
Force	24
The Force-Consent Paradox	26
Penetration	27
The Functions of a Modern State	30
Simultaneity	33
The Civilian and Military Roles in Stability Operations	35
Figure 4. The capacity gap within civilian administrative mentorship	35
Limitations of Civilian Agencies in Stability Operations	36
The Military Role in Local Governance	47
Conclusions	52
Bibliography	55

Introduction

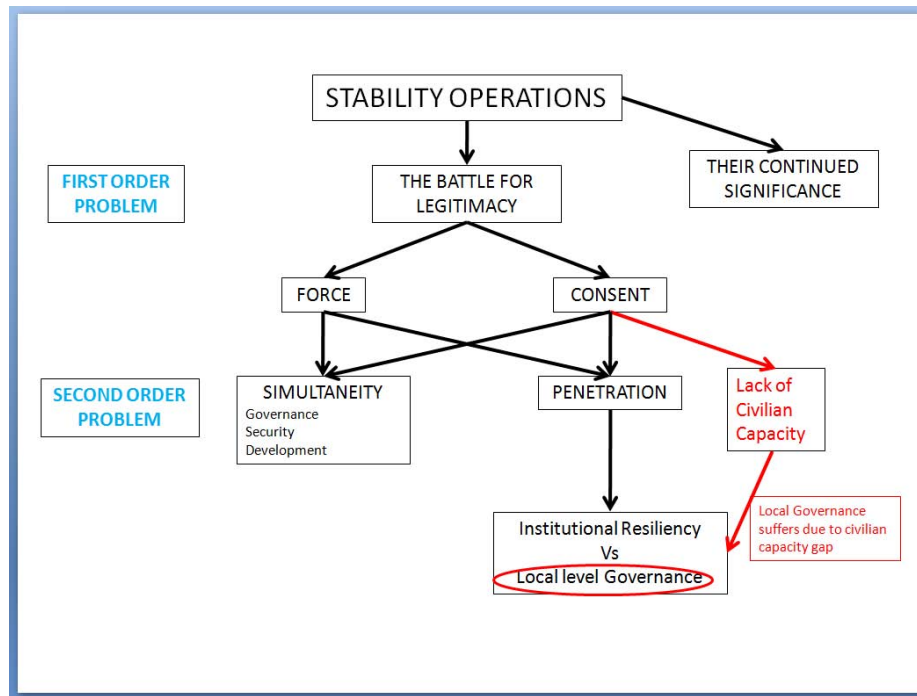


Figure 1. The monograph's argument

Despite much talk of the demise of the state, it remains the fundamental building block of the international system.¹ Collapsing or failed states threaten the established international order. Stability operations provide a mechanism by which the international community seeks to reestablish order within these dysfunctional states. The aim of a stability operation, in accordance

¹ The author is aware of the significant volume of literature that argues both for and against the continued significance of states within the international system. The author sides with the continued relevance of the state for three reasons; firstly adopting a pragmatic approach a state with its institutions is the best suited entity to effectively interact with other states and the international system. Secondly, the state is essential for both the Constitutive and Declarative theories of statehood. Thirdly, the state is the fundamental building block of the international system the conveyance of legitimacy from states to the international system is vital (Article 110 of the UN charter; the state has to ratify the UN charter in accordance with their respective constitutions) as is the international systems recognition of a states' *de jure* sovereignty. A further detailed discussion is beyond the scope of this paper.

with US National Security Strategy is to “make the world a safer, better place, where a community of nations lives in relative peace.”²

The theoretical foundations of a state have been established and developed since the 1648 Treaty of Westphalia; a legitimate government and a legitimate monopoly on violence.³ The pragmatic application of these theories has achieved far less international consensus. Several fundamental questions remain; how does a state form under conditions far removed from those assumed in the general state formation literature, how legitimate does a government need to be and how much of a monopoly on violence should it possess? This lack of clarity creates a problem when seeking to define the desired outcome of a stability operation. The US military doctrinal definition of a stability operation seeking to impose or re-impose security, government services and infrastructure gives credence to the argument, at least from a US perspective, that the military is remaining true to the longstanding theoretical foundations.⁴ Recent development theories have sought to provide a degree of clarity by defining the functions of a modern state.⁵ These development strategies illustrate a desire to do more than simply produce a legitimate government with a monopoly on violence.

² US Army, Field Manual 3-07; *Stability Operations* (Washington DC, Headquarters Department of the Army, 6 October 2008), 1-10

³ The author has been unable to find an internationally accepted definition of a state. The author has not found a United Nations (UN) definition of a state; the UN charter refers to member states but does not define a state (<http://www.un.org/en/documents/charter/index.shtml>). The author will define a state as a having: a defined territory, a population, and an organized political authority. This is the 1991 European Union (EU) definition of a state. Thomas D. Musgrave, *Self-Determination and National Minorities* (Oxford: Oxford University Press, 2000), 235

⁴ These theoretical foundation underpin the Counterinsurgency field manual FM 3-24. A stability operations as defined by US joint doctrine is; “An overarching term encompassing various military missions, tasks and activities conducted outside the United States in coordination with other instruments of national power to maintain or reestablish a safe and secure environment, provide essential government services, emergency infrastructure reconstruction, and humanitarian relief.” US Government, Joint Publication 3-0; *Joint Operations* (Washington DC: Department of Defense, 17 September 2006), GL-25

⁵ This work pioneered by Clare Lockhart has sought to define the 10 functions that a modern state must perform. These characteristics fall into the broad categories of security, governance, development and rule of law. The modern state proposed by Lockhart et al is exceedingly active and encroaches across many aspects of social, economic, and political life. Clare Lockhart & Ashraf Ghani, *Fixing Failed States; A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2009), 124-165

The concept of a state is an ancient construct. The notion of man living in a community dates back to antiquity and transcends cultures. It has historical roots in both the East and West.⁶ The benefits of communal living have long been understood.⁷ Human cohabitation was assessed as being beneficial over all the artificial laws that were required to instigate harmony within collective communes. There was an early, widely accepted, understanding that to cohabit those sovereign citizens had to submit themselves to the wider interests of the community and accede to a loss of a degree of personal freedom.

State formation is historically a brutal and protracted process. The government of a state endeavors to govern through the willing subordination of its population to its legitimate authority.⁸ To create the conditions for legitimate government two mechanisms of state formation must be applied; force and consent.⁹ Force is a mechanism to eradicate competing sources of legitimacy and to subjugate unwilling citizens to government rule. Consent is a mechanism to maintain the subjugation of the willing citizens and to entice reluctant members of the population to the benefits of government rule. In time, the aim is to achieve the condition whereby the entire

⁶ Ibn Khaldūn provides an alternative perspective that indicates that the state is not an alien concept within an Islamic society; “the individual’s rights were always defined in terms of (though subordinate to) the community’s interests”; Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: John Hopkins University Press, 2006), 3

⁷ Socrates is recorded by Plato as having said “a state, I said, arises, as I conceive, out of the needs of mankind; no one is self-sufficing, but all of us have many wants... then, as we have wants, and as many persons are needed to supply them, one takes a helper for one purpose and another for another; and when these partners and helpers are gathered together in one habitation the body of inhabitants is termed a state”; Plato, *The Republic*, translated by Benjamin Jowett (New York: Cosimo, 2008), 40-41

⁸ Legitimacy is defined here as an attribute of the political system that is obtained when a government derives authority from its populace that willing subordinates itself to government power thus enabling government. Legitimacy is measured from the perspective of the indigenous population both normatively and empirically.

⁹ The author is aware that there is no single causal pathway that leads to state formation each state forms as a result of its own developmental path attributable to the evolution of its unique government-society social contract. The various states within Europe are testament to this phenomenon. A complete literary review of state formation is beyond the scope of this monograph. The author has chosen the force and consent model, supported by several important authors, because it is reflected in the US military stability mechanisms; compel, control, (force) influence and support (consent) (US Army, Field Manual 3-0; *Operations*, (Washington DC: Headquarters Department of the Army, 27 February 2008), 6-10.

population is willfully subjugated to government authority that is perceived by the population as being legitimate.

An important epiphenomenon of legitimacy is the process of penetration.¹⁰ This process enables the government to implement policies from the national level through provincial and district levels down to the local level. The measure of implementation, or resistance, to these policies indicates the level of government penetration. Failure to achieve penetration down to the local level implies that a government does not have *de facto* sovereignty. Subversive elements or insurgencies that wish to compete for legitimacy can utilize this lack of government penetration to enhance their own power base.

The struggle for legitimacy must occur at every level of governance. Penetration at the local level must not be overlooked. Failure to address this issue will result in a national government with *de jure* but not *de facto* sovereignty. As one female Afghan Member of Parliament admitted, “I am a people’s representative in a government which is not present even in my own district.”¹¹ Government that has to govern indirectly because it cannot operate within its area of responsibility is no government at all. Therefore, a government must be able to draw upon the mechanisms of force and consent from the national level to the local level in order to achieve legitimacy.

Stability operations that seek to impose or re-impose security and government services are synonymous to state building. Stability operations must therefore reflect components of the mechanisms of state formation. The battle for legitimacy is the ‘*sine qua non*’ of stability operations and is consequently the first order problem. Second order problems arise as a consequence of the battle for legitimacy. They are the issues of penetration and simultaneity.

¹⁰ Penetration is defined as ‘the effective presence of central governance projected throughout the state’s territory’ and is a measure of the government’s capacity to govern.

¹¹ Wazhma Frogh, “Afghan’s Politics Should be Local.” *Foreign Policy* (14 July 2010). http://afpak.foreignpolicy.com/posts/2010/07/14/afghanistans_politics_should_be_local (accessed August 20, 2010).

The simultaneous conduct of governance, security and development is recognized in both UK and US military and civilian stability operations doctrines and policies. These mutually reinforcing activities seek to apply force and consent mechanisms vital to the implementation of legitimacy and in support of penetration. Historical examples will demonstrate the importance of the simultaneous application of governance, security and development down to the local level to aid penetration and consequently the battle for legitimacy.

Mentorship is an important process inherent to stability operations. It engenders trust between those conducting the stability operations and those being stabilized and aids the transfer of essential skills that will eventually enhance a host nation's ability to govern. The contemporary civilian development community seeks to create 'institutional resiliency' by enhancing host nation institutional capacity. Increased capacity attempts to strengthen institutions, provide technical skills and promote effective policies. A lack of civilian development capacity has led to the 'institutional resiliency' approach. This approach does not address the issues of penetration or simultaneity at the local level.

Civilian organizations do not have the capacity to operate at the local level and the military do not have the professional skill sets to mentor governance and development. Consequently, insurgent political and social methods of 'winning over the population' go unanswered. Current strategies, with an absence of focus on host nation local level penetration and legitimacy set the conditions for rural insurgencies to develop. Simultaneity is not achieved as the consent winning mechanisms for state formation are not in place at the local level. The provision of simultaneous security, development and governance, of augmenting government penetration and the battle to win over the populace through its assessment of the government's empirical legitimacy is being ineffectively waged. These shortcomings set the conditions for persistent failure.

This monograph will examine the social science theories that underpin stability operations doctrine. It will highlight the importance of supporting government penetration with

consent winning mechanisms at the local level in order to enhance local legitimacy. To provide a broader view of stability operations both US and UK stability operations doctrine will be examined. This paper examines the case for and highlights the importance of stability operations.

The second chapter provides a careful review of the concept of legitimacy, explaining why it is important to government and why it is the '*sine qua non*' of stability operations. A historical examination of the origins of legitimacy facilitates a deeper understanding of the sources of legitimacy. An examination of normative and empirical assessments of legitimacy, through the perspective of the local populace, will explore how stability operations can assist in the conveyance of legitimacy upon a government.

The third chapter will identify the mechanisms of state formation. How these mechanisms lead to stable, legitimate state formation and how they can be used in stability operations. This chapter will also introduce the second order problems of penetration and simultaneity and how they support the battle for legitimacy.

The fourth chapter identifies the lack of civilian capacity and its implications, in particular the development of 'institutional resiliency' vice penetration and the development of 'local governance capacity building'. This chapter explores, drawing on historical examples, the problems incurred by a lack of consent mechanisms and the resultant loss of simultaneity at the local level. Acknowledging that steps have been taken to mitigate the impact of this capacity shortfall, this paper will examine new measures that have recently been introduced and will suggest additional measures that the military can undertake to further reduce the associated risks.

This paper concludes that a lack of civilian administrative capacity is debilitating the consent mechanism of state formation at the local level. The result of this lack of capacity inhibits the simultaneous application of governance, development and security and limits penetration to the national, district and provincial levels. Subversive and insurgent organizations are able to operate at the local level exploiting this 'capacity gap'. Thus the conditions are set for perpetual failure.

The Relevance of Stability Operations

Contemporary US Army doctrine considers that in the history of the United States the Army has only fought eleven wars that it would classify as conventional. The hundreds of other operations conducted by the US military would be classified as stability operations in a contemporary environment. In the decade after the end of the Cold War the US Army has been involved in more than 15 stability operations.¹² Stability operations appear to have been by far the most prevalent type of military operation.

Basil Liddell Hart determined “The object of war is to attain a better peace. Hence it is essential to conduct war with a constant regard to the peace you desire.”¹³ In a world with increasing interconnectivity, disorder in one region typically has adverse effects within others. Thomas Friedman provides a clear illustration of how the phenomenon of ‘globalization’ has resulted in ever increasingly interdependent states.¹⁴ Joseph Stiglitz argues that an unintended consequence of globalization is to widen inequalities to create more haves and have-nots.¹⁵ This alters many strategic calculations when it comes to considering ‘a better peace’. The 2010 US National Security Strategy recognizes this reality with its emphasis on enhancing economic growth “Our diplomacy and development capabilities must help prevent conflict, spur economic growth, strengthen weak and failing states, lift people out of poverty, combat climate change and epidemic disease, and strengthen institutions of democratic governance.”¹⁶

The prospect of state failure, resulting in regions that lie outside of state control is of particular concern to the states that constitute the international system. The term ‘ungoverned

¹² US Army, Field Manual 3-07; *Stability Operations* (Washington DC: Headquarters Department of the Army, 6 October 2008), 1-2

¹³ Basil Liddell Hart, *Strategy; second revised edition* (London: Faber & Faber Ltd, 1967), 353

¹⁴ Thomas Friedman, *The World is Flat; A Brief History of the Twenty-First Century* (New York: Picador/Farrar and Giroux, 2007)

¹⁵ Joseph Stiglitz, *Globalization and its Discontents* (London: Penguin Books, 2002), 5

¹⁶ US Government, US National Security Strategy, May 2010 (Washington DC: US Government, 2010), 11

space' is inaccurate, rarely if ever has a condition of complete anarchy existed, more appropriate nomenclature would be 'non-state governed' or 'weakly governed' spaces. Such non-state or weakly governed spaces create opportunities for subversive elements to exploit local conditions for illicit activities with potentially regional or global repercussions. National Security Presidential Directive 44 formally acknowledged that the stability of foreign states serves the broader interests of the United States.¹⁷ Chester Crocker argues, "State failure affects a broad range of US interests including the promotion of human rights, good governance, the rule of law, religious tolerance, environmental preservation, and opportunities for US investors and exporters. It contributes to regional insecurity, weapons proliferation, narcotics trafficking, and terrorism."¹⁸ Thus, it is within the interests of the international community to ensure that these areas are subsumed under functioning state authority. Stability operations provide a mechanism to subsume territories under legitimate sovereign governments.

The US military defines stability operations as; "an overarching term encompassing various military missions, tasks, and activities conducted outside the United States in coordination with other instruments of national power to maintain or reestablish a safe and secure environment, provide essential government services, emergency infrastructure reconstruction, and humanitarian relief."¹⁹ The US Army considers globalization and failed or failing states to be important trends that will affect ground operations.²⁰ The recent elevation of stability operations to become an integral component of the Army's operational concept (forming a trinity with offensive and defensive operations) indicates the increased importance associated with this type

¹⁷ National Security Presidential Directive 44, *Management of Interagency Efforts Concerning Reconstruction and Stabilization* (Washington DC: White House, 7 Dec 2005)

¹⁸ Chester Crocker, "Engaging Failed States", *Foreign Affairs* September/October 2003, Vol 82 No5 32-44, 34

¹⁹ US Government, Joint Publication 3-0; *Joint Operations* (Washington DC: Department of Defense, 17 September 2006 incorporating change 1 22 March 2010), GL-26, in accordance with this definition Counterinsurgency operations are a subsidiary of Stability Operations.

²⁰ US Army, Field Manual 3-0; *Operations* (Washington DC: Headquarters Department of the Army, 27 February 2008), 1-1

of operation.²¹ It would be negligent not to commit resources to one of the principle missions within the Army's operational concept.

Future wars are notoriously hard to predict. A UK Ministry of Defence (sic) 2010 concept paper attempting to illuminate the future land operating environment identifies five trends characterizing the nature of contemporary conflict; contest, congestion, clutter, connection and constraint.²² Supporting the current US Army operational concept this paper suggests that "most operations will require concurrent or overlapping military activities." Preventative strategies may eliminate some of the requirements to intervene but perhaps not all "An intervention capability adds credibility to a prevention strategy and it is a mistake to suggest that we can somehow get out of intervention and into prevention; they are not mutually exclusive."²³ Stability operations are likely to be an enduring component of future land operations.

In the late 1970s Frank Kitson considered the debate regarding the use of armies in the suppression of subversion, counterinsurgency and peacekeeping operations. Then as now, there were influential people, both civilian and military, who argued that the requirement to take part in peacekeeping and counterinsurgency operations would cease.²⁴ Kitson predicted a continued need for stability operations. There is a high probability that the US military in conjunction with international forces will conduct stability operations in the future. However undesirable these operations are it is important to undertake preparations with a view to conducting these types of operations in order to establish or reestablish stable, legitimate governments.

²¹ US Army, Field Manual 3-0; *Operations* (Washington DC: Headquarters Department of the Army, 27 February 2008), 3-1

²² Land Component; Developments, Concepts and Doctrine Center, *Conflict on Land* (London: Ministry of Defence, 5 July 2010), 7

²³ Research Foundation Occasional Paper, *Preventing Conflict a paper for discussion* (London: General Dynamics UK Ltd, July 2010), 13

²⁴ Frank Kitson, *Low Intensity Operations; Subversion, Insurgency and Peacekeeping* (London: Faber and Faber, 1991), 13

Legitimacy Theory

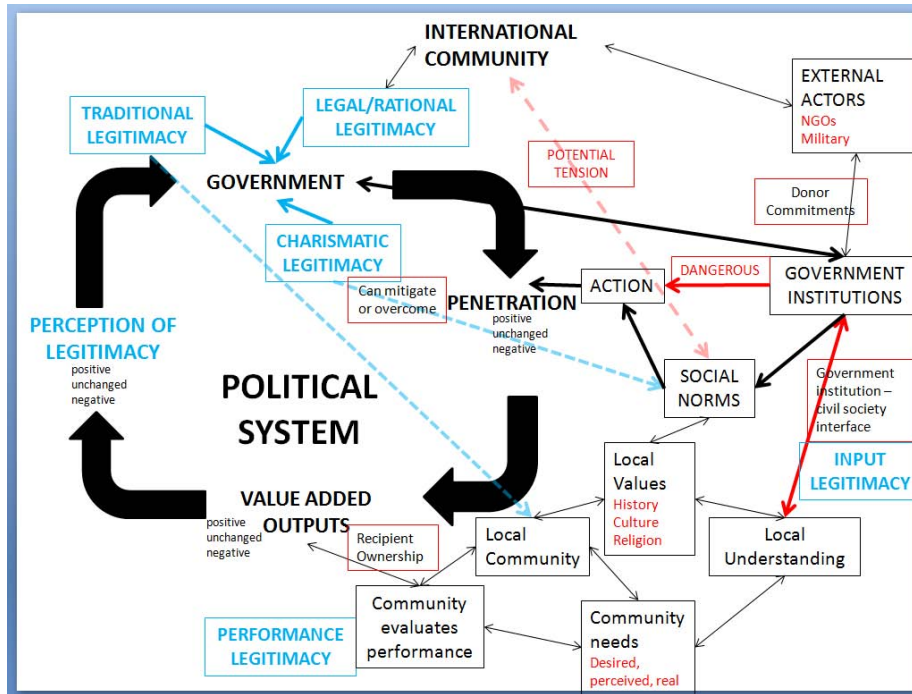


Figure 2. Sources of legitimacy and their interaction with society within a political system

Legitimacy is obtained when a government derives authority from its populace that willing subordinates itself to government power thus enabling governance. Legitimacy is the lens of perception through which the populace views its government in accordance with its particular social norms and values.²⁵ Failure to attain the consent of the population will result in inefficient governance. Lucian Pye describes legitimacy as a relationship between the ruled and the rulers; “Legitimacy is an attribute of the political system, it is associated particularly with the

²⁵ Figure 2 depicts how both empirical and normative legitimacy interacts within a political system. Particularly important is the perception of the local population, derived from their own social norms and values, of the legitimacy of the political system. This perception of legitimacy can be assessed normatively and can be evaluated empirically from both interaction with government institutions and an assessment of their performance. Failure to act within societal norms can have a deleterious effect on a government's legitimacy.

performance of the government structure.”²⁶ The term legitimacy is used to describe the acceptance, or resistance, of a government’s sovereign rule.

Legitimacy and Stability Operations

In relation to US military stability operations that are seeking to ‘maintain or reestablish a safe and secure environment’ or to ‘provide essential government services’ a legitimate government is crucial. In the 2008 issue of his commander’s counterinsurgency guidance General Petraeus stated “realize that we are in a struggle for legitimacy that will be won or lost in the perception of the Iraqi people.”²⁷ One of the most important aspects of a stability or counterinsurgency operation is the battle for legitimacy in the eyes, not of the international community, but of the indigenous population.

Lucian Pye states, “The acknowledgment of legitimacy resides with the people.”²⁸ It is imperative that the population confers a level of acceptance upon government authority through its interactions with state institutions. As Henri Claessen perceives legitimacy; “it is better to deal in shades of legitimacy rather than in absolutes.”²⁹ The conveyance of legitimacy is thus a dynamic process in perpetual flux; it can be conferred upon, undermined or removed from sources of power. Without this acceptance of authority, a condition of subjugation or occupation will exist where the government must utilize proportional force to the amount of popular resistance to enforce its will. The greater the acceptance of the state’s authority the greater

²⁶ Lucian Pye, “The Legitimacy Crisis” in *Crises and Sequences in Political Development*, Leonard Binder, James Coleman, Joseph LaPolambara, Lucian Pye, Sidney Verba, Myron Weiner (Princeton: Princeton New Jersey, 1971), 135

²⁷ David Petraeus, “Multinational Force Iraq; Commander’s Counter-insurgency Guidance” (Baghdad: MNF-I, 15 July 2008), 3

²⁸ Lucian Pye, “The Legitimacy Crisis”, 135

²⁹ Henri Claessen, “Changing Legitimacy”, in *Political Anthropology*, Volume 6: State Formation and Political Legitimacy edited by Ronald Cohen & Judith Toland (New Brunswick: Transaction Inc, 1988), 24

potential the state has to implement its policies. Increased state effectiveness can be augmented by an increased perception of legitimacy.

International efforts must reinforce the populaces' perception of its government's legitimacy whilst attempting to combat subversive sources of legitimacy. UK military doctrine supports this notion, "It should always be acknowledged that legitimacy is ultimately defined by the local population rather than by externally imposed criteria."³⁰ Military operations must support government officials and institutions to consolidate the indigenous populations' perceptions of their legitimacy (see Figure 2). Bypassing strata of governance, highlighting governmental inefficiencies or simply providing the governmental services directly are all counter-productive to the establishment of legitimacy. Support should be conducted through indigenous governmental institutions. With this hypothesis, governance mentorship becomes a fundamental aspect of a stability operation.

Legitimacy History and Theory

There are a number of theories of legitimacy that must be analyzed so that its concepts can be more effectively applied to stability operations. To develop this deeper understanding of legitimacy its historical roots must be traced. In medieval Europe "Law was variously defined in terms of divine law, natural law, the law of reason, common law and custom."³¹ The question of modern legitimacy rose to the fore as the topic of 'divine purpose' began to face increasing scrutiny. Jean-Jacques Rousseau was one of the key philosophers who began examining the, "changes in the understanding of God, nature, language, self and knowledge (that) forced the retreat of divine authority, enlarged the sense of the conventional, and thereby, inflated the issue

³⁰ UK Government, Joint Defence Publication 3-40, *Security and Stabilization: The Military Contribution* (London: Ministry of Defence, November 2009), 1-7

³¹ Samuel Huntington, *Political Order in Changing Societies*, (New Haven: Yale Universal Press, 1968), 99

of legitimacy.”³² The replacement of ‘divine authority’ with the ‘authority of man’ and the adoption of ‘rational thought’ began to seriously question long held fundamental assertions.

With the separation of ‘divine authority’ from government Rousseau continued to explore why “man is born free” and yet “everywhere he is in chains.” He perceived that societal restraints were not imposed by God, or by nature, but were created by man. He believed that communities lived in a social order based on convention and that the ideas of will, freedom, legitimacy and convention complemented one another. Conventions are customs, habits and institutions, which have their source in ‘human will’. ‘Human will’ was therefore responsible for the imparting of legitimacy onto social order. Therefore a population could ascribe legitimacy upon its government. Hence, a ‘social contract’ developed between the government and the governed.

Rousseau suggested that men are “willful creatures” capable of formulating and living in accordance with the general will. But that willingness only allows the generation of a few simple laws; everything else is to be lived by the participants as a set of traditions insulated against the play of willful change.³³ This complements Weber’s model, developed later, of traditional legitimacy. If Rousseau is right developmental theories and stability operations are presented with a considerable challenge as they attempt to overcome these long held traditional values.

The significance of the French Revolution and its monumental changes to French society is an essential component in the transformation from old to new values. The removal of feudal, aristocratic and religious privileges in the face of sustained attacks from liberals and the birth of a European republic fundamentally altered the composition of French society, which had

³² William Connolly, *Legitimacy and the State* (New York: New York University Press, 1984), 3

³³ Jean-Jacques Rousseau, *The Second Discourse; Discourse on the Origin of Inequality Among Men in The First and Second Discourse* edited by Roger Masters & Christopher Kelly (Lebanon: Dartmouth University Press, 1992), 140

repercussions throughout Europe. The ‘Declaration of the Rights of Man and of the Citizen’ turned enlightenment era philosophical thinking into a practical reality.³⁴

Years later Friedrich Nietzsche seized upon Rousseau’s theories and at the crux of his own argument he advocated; nihilism. The nihilism of Nietzsche can be seen as the apogee of the modern critique of the traditional concept of state sovereignty. Discerning that at the center of modernity was the devaluation of old standards without bringing any new and convincing ones into being.³⁵ These philosophers were instrumental in undermining the long held belief in ‘divine authority’ and had replaced it with a vacuum within which man had the latitude to create his own laws. Furthermore only man could accept the legitimacy of his fellow man as his sovereign. This occidental approach to legitimate government may be culturally unacceptable to some societies but it allows latitude within which new forms of government may be accepted by an indigenous population as legitimate.

In the discussion of legitimacy, it is important to distinguish between the normative and empirical concepts of this term. The following paragraph sets the scene for the second half of the legitimacy discussion.

There are two main ways of understanding legitimacy. One is normative and is concerned with the standards that an actor, institution or political order must conform to in order to be considered legitimate. Such standards may include the explicit consent of the population (typically through democratic elections) or claims to justice or fairness. Such standards are typically derived from moral and normative considerations, often based on considerations of basic human rights. Another way of approaching legitimacy is empirically, and is not concerned with normative standards as such, but rather with whether, how and why people accept (or reject) a particular actor or institution.³⁶

³⁴ The philosophical concepts of the Declaration of the Rights of Man and the Citizen include; individualism and the social contract as theorized by John Locke and John-Jacques Rousseau, and the Separation of Powers advocated by the Baron de Montesquieu. The French Declaration is similar in many ways to its forerunner the US Declaration of Independence and draws upon many of the same Enlightenment philosophical principles. Both documents are essential components in the process that separated divine law from natural law. Further analysis is significantly beyond the scope of this monograph.

³⁵ Friedrich Nietzsche, *The Will to Power; An Attempted Transvaluation of all Values*, translated by Anthony Ludovici, edited by Oscar Levy (London: Digireads.com Publishing, 2010), 11-18

³⁶ Severine Bellina, Dominique Darbon, Stein Sundstøl Eriksen, Ole Jacob Sending, *The Legitimacy of the State in Fragile Situations*, Report for the Organization for Economic Cooperation and

Max Weber provides the fundamental starting point for a discussion on the normative approach to legitimacy in the modern occidental state. He discerned three alternative claims to legitimacy; traditional, charismatic and legal/rational (see Figure 2). Charismatic legitimacy is exceedingly powerful, if wielded skillfully it can be used as a catalyst or an inhibitor to change. A charismatic leader as described by Weber; “on devotion to the exceptional sanctity, heroism or exemplary character of an individual person and on the normative patterns of order revealed or ordained by him.”³⁷ He further explained that “Men do not obey him by virtue of tradition or statute, but because they believe in him... the leader lives for his cause.”³⁸ A population has faith in a charismatic leader.

With this faith a charismatic leader can overrule longstanding social norms, “Charismatic domination means a rejection of all ties to any external order in favour (*sic*) of the exclusive glorification of the genuine mentality of the prophet and hero. Hence its attitude is revolutionary and transvalues (*sic*) everything; it makes a sovereign break with all traditional or rational norms: ‘it is written, but I say to you’.”³⁹ Charismatic legitimacy, when inferred on a leader through the imposition of the population’s faith, can drive change in a way that any other authority would struggle to emulate. When inferred on an individual social norms can be subjugated for what the leader can convince the population is for the benefit of all. Leaders endowed with such authority are rare and often have a profound effect upon a state or region. Stability operations should seek to embrace such a leader or if he is in opposition to change must make every effort to discredit him.

Development, Development Assistance Committee International Network on Conflict and Fragility, (Commissioned by French Ministry for Foreign and European Affairs, February 2009), 8

³⁷ Max Weber, *Economy and Society, Volume 1* edited by Guenther Roth & Claus Wittich (Berkeley: University of California Press, 1978), 215

³⁸ Max Weber, *Essays in Sociology* edited by Hans Gerth & CW Mills, (New York: Oxford University Press, 1958), 77-83

³⁹ Ibid., 196-201

Weber's link back to traditional legitimacy is an attempt to partially mitigate the impact of nihilism. A traditional linkage to a historic source of power, or even the exercise of power using traditional methods, can confer legitimacy in a manner agreeable to the population. The lineage need not be watertight; it need simply be accepted by the population. Traditional authority would indicate the maintenance of the *status quo* the acceptance of long standing social norms. In Africa traditional forms of political authority are being understood by the international community to be of increasing importance. A UN Commission reported, "Africa's process of state-building is one critical area that can benefit from the application of the traditional mechanisms of conflict-resolution and consensual decision-making."⁴⁰

Traditional legitimacy was an acceptance of an unchanging and unchangeable law that stood above all human institutions. It was; 'an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them.'⁴¹ These are still prevalent in many societies. The erosion of longstanding traditional authority, particularly in the occident, has accounted for the 'rationalization' in modern life. The philosophical undermining of 'divine authority' has pushed occidental states towards a greater reliance on rationality. Traditional authorities can convey legitimacy, through their support of rational/legal institutions for example; a constitutional monarchy.

A legitimacy claim might appeal to rational procedures, to "a belief in the legality of enacted rules and the right of those evaluated to authority under such rules to issue commands."⁴² In his essays Weber expanded on his definition of legal rational legitimacy; "domination by virtue of 'legality', by virtue of the belief in the validity of legal structure and functional 'competence'

⁴⁰ UN Economic Commission for Africa, *Relevance of African Traditional Governance Structures* (Addis Ababa: Economic Commission for Africa, 2007), 20

⁴¹ Max Weber, *Economy and Society*, 215

⁴² Ibid., 215.

based on rationally created rules.”⁴³ Rational/legal authority of a modern state goes beyond the creation of legal institutions it was based, in a sense, on the legitimacy of those applying intelligence to the changing and the improvement of laws. Rationality was instigated through the application of precedence. The importance of education as a prerequisite within a society cannot be neglected before the endorsement of the application of rationality.

Legal/Rational legitimacy may create a significant tension within traditional societies. Islam provides one such example; “Islamic law derives from Mohammad who was the conduit from God. The Islamic laws derive directly from the word of God, thus it is divine and is unsusceptible to improvement and refinement.”⁴⁴ This does not suggest that Islamic societies lack rationality but rather face a challenge when handling novel issues. At the national level social norms will have a serious impact on government legitimacy. Occidental philosophical reasoning is culturally unacceptable within some societies, in particular the separation of “divine authority” from “man’s authority.” It must be recognized that rational/legal legitimacy is derived from a contentious source; occidental philosophical arguments.

The empirical approach to legitimacy is concerned primarily with what can be termed input and output legitimacy, the ability of a sovereign population to participate with and evaluate the performance of the government. Input legitimacy is the process by which citizens of the state may influence their governance through elections, feedback processes and protests. These are the individual citizen’s assertions that help to shape the governance of the state (see Figure 2). David Easton identifies the importance of inputs into a political system. He hypothesizes that without them a political system cannot exist.⁴⁵ A citizen’s ability to participate within a state’s political system confers a degree of legitimacy. Ronald Inglehart and Pippa Norris’ examination of

⁴³ Max Weber, *Essays in Sociology*, 77-83

⁴⁴ Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: John Hopkins University Press, 2006), 23

⁴⁵ David Easton, “An Approach to the Analysis of Political Systems”, *World Politics*, Vol. 9, No. 3 (Apr., 1957), 383-400

democracy discovered that participatory democratic processes were widely desired in many societies.⁴⁶

Performance based legitimacy is a direct evaluation of the outputs of the political system. Seymour Lipset considered performance legitimacy as follows “Effectiveness means actual performance, the extent to which the system satisfies the basic functions of government as most of the population and such powerful groups within it such as big business or the armed forces see them. While effectiveness is primarily instrumental, legitimacy is evaluative.”⁴⁷ Public perceptions are critical for the conveyance of this form of legitimacy. The danger of this form of legitimacy is the creation of a state run on patronage; an attempt to buy legitimacy.

Performance based legitimacy relies on government output processes; perceived effectiveness, quality of services and beliefs that allow people to accept the state as the rightful authority. An association is established between legitimacy and effectiveness. Historical analysis has revealed that in the short-term states that are effective but lack legitimacy are weak. However, “In the longer-term continued effectiveness, through economic development, in combination with a cohesive political system and the preservation of traditional legitimacy or the development of strong new symbols have lead to the stability through the polity conferring legitimacy upon the state.”⁴⁸ The survival of a state will depend on its ability to meet the perceived needs of its population but in the ‘immediate present’ this form of legitimacy holds little credence. It is important to recognize this phenomenon within the context of a stability operation; it indicates the enduring nature of such an operation.

⁴⁶ Ronald Inglehart and Pippa Norris, “The True Clash of Civilizations”, Article 40, in *Annual Editions; Comparative Politics 9/10*, 27th Edition, edited by Fiona Yap (New York: McGraw Hill, 2009), 189

⁴⁷ Seymour Martin Lipset, *Political Man: The Social Basis of Politics* (Baltimore: John Hopkins University Press, expanded edition, 1981), 37

⁴⁸ Severine Bellina, Dominique Darbon, Stein Sundstøl Eriksen, Ole Jacob Sending, *The Legitimacy of the State in Fragile Situations*, Report for the Organization for Economic Cooperation and Development, Development Assistance Committee International Network on Conflict and Fragility, (Commissioned by French Ministry for Foreign and European Affairs, February 2009), 16-17

Legitimacy is at the crux of government/population interface. Lucian Pye illustrates the importance of legitimacy, “The fact that legitimacy involves both performance capacity of the system and the sentiments of the population towards governmental authority means that any one of the other crises whether of identity, participation, penetration, or distribution, can ultimately culminate in a problem of legitimacy.”⁴⁹ Capacity and legitimacy are closely correlated but legitimacy is the primary concern. Host governments and commanders’ of stability operations must ensure that their actions maintain or enhance the level of domestic legitimacy. A degradation of legitimacy may result in the government ceding a degree of control or having to expend more capital or introduce coercive measures to retain control, an undesirable outcome.

Civilian developmental agencies attempt to create host nation institutional resiliency. This resiliency attempts to increase the capacity of institutions and thus enhance the populations’ evaluation of the performance legitimacy of the government. Such a process takes time to establish. It fails to have an immediate impact upon local level perceptions of government legitimacy. A stability operation must endeavor to immediately increase the local populations’ perception of government legitimacy whilst also building long-term capacity.

The struggle for legitimacy is an inescapable primary objective directly correlated to the success or failure of a stability operation. A stabilization force must recognize all the sources of legitimacy at play. This includes the competing sources of legitimacy against which efforts must be made to either; reconcile, marginalize, coerce, discredit or destroy them. The aim must be to gather within a government as many sources of legitimacy as practicable. Accepting that whatever government is formed the only type of legitimacy that an international force can seek to advance are empirical in nature; performance and input based.

⁴⁹ Lucian Pye, “The Legitimacy Crisis” in *Crises and Sequences in Political Development*, Leonard Binder, James Coleman, Joseph LaPolambara, Lucian Pye, Sidney Verba, Myron Weiner (Princeton: Princeton New Jersey, 1971), 136

The Requirement for Force, Consent, Penetration and Simultaneity

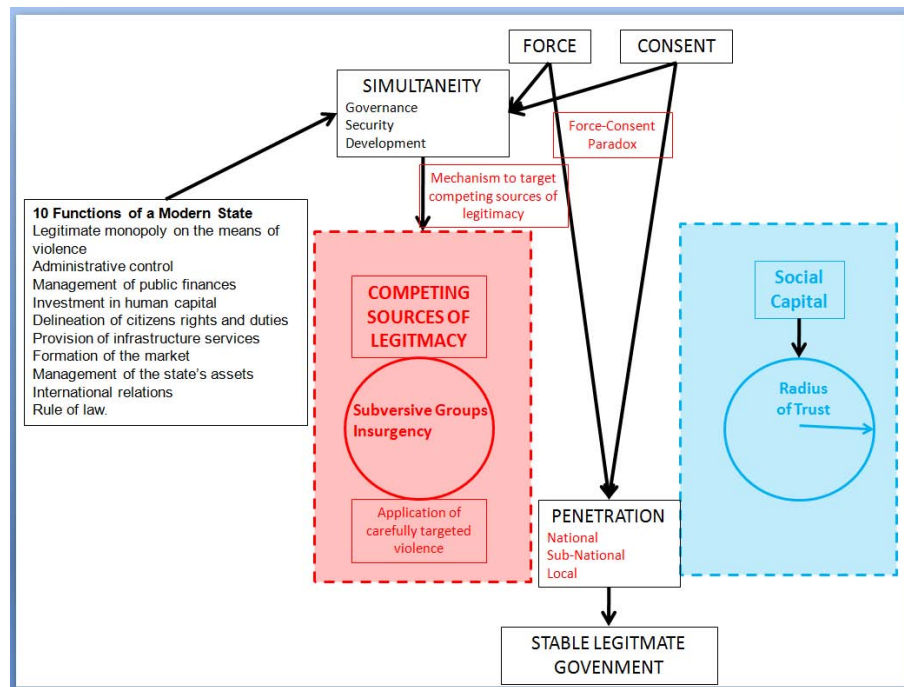


Figure 3. Force, consent, penetration and simultaneity as they relate to creating a stable legitimate government

This chapter seeks to weave several important theories pertaining to both state formation and stability operations. An examination of force and consent will reveal that stability operations must encompass these mechanisms to create legitimate government in a manner synonymous to state formation. Penetration, an epiphenomenon of legitimacy, is a measure of the effective presence of central government policies and is an important consideration for stability operations. Governance, development and security conducted simultaneously are the processes that stability operations can conduct to augment host government penetration. These are force and consent mechanisms that a stability force can call upon to complement a host government.

State formation is historically a brutal and protracted process. Martin Van Creveld provides an insightful history that traces the lengthy, violent and turbulent development of

occidental states.⁵⁰ He hypothesized that the competition for resources drove populations into collaboration. These populations developed into coherent communities. Ultimately the various nodes of power within the communities amalgamated or were subjugated into a focal point from which a bureaucracy became the establishment's mechanism for coordinating centralized state control.

Martin Sicker proposes several mechanisms for state formation concluding that there are two principle theories acting in collaboration to create the modern state; the force theory and the consent theory.⁵¹ This closely aligns to the coercion and capital thesis presented by Charles Tilly.⁵² The commonly held consensus is that modern occidental states arose through both incentives (consent and capital) and where necessary punitive action (coercion and force). Joel Migdal proposes that "the emergence of a strong, capable state can occur only with tremendous concentration of social control. And such a redistribution of social control cannot occur without exogenous factors first creating catastrophic conditions that rapidly and deeply undermine existing strategies of survival."⁵³ The dense populations of Europe with intense competition for limited resources presented strong incentives for state formation.

Jeffrey Herbst supports the notion that strong incentives are required to form states by studying the antithesis, weak state formation. Herbst examined state consolidation in Africa. He

⁵⁰ Martin Van CreVeld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press, 1999). Occidental states are an important area of study. Since the treaty of Westphalia modern occidental states and the concepts they espouse, such as nationalism, have been replicated in numerous states across the globe. Many states have adopted government institutions that closely emulate those in existence in occidental states. Occidental states dominate the international system. The United Nations charter, although ratified by all member states, was principally based on occidental values. The leadership of the International Monetary Fund (IMF), the World Trade Organization (WTO) and the UN Security Council are held or dominated by members of occidental states. Occidental states set the agenda for many contemporary moral issues that have significant bearing on states that wish to participate in the international system. Human Rights provide one such example. Occidental states in many instances, although not universally, set the precedents for the international system.

⁵¹ Martin Sicker, *The Genesis of the State* (New York: Praeger Publishers, 1991), 132-133

⁵² Charles Tilly, *Coercion, Capital and European States; AD990-1992* (Oxford: Blackwell, 1992), 15

⁵³ Joel S Migdal, *Strong Societies and Weak States; State-Society Relations and State Capabilities in the Third World* (Princeton: Princeton University Press, 1988), 262

noted that without external threats there was no immediate requirement to exert control over territories and consequently only weak states were formed.⁵⁴ The notion that external pressures are essential in state formation is fortified by Max Weber's widely held assertion that "the signal characteristic of a state is its monopoly on the legitimate use of physical force in the territory it is said to control."⁵⁵ The imposition of a novel government upon a region may be associated with the intentional subjugation of the population by the application of significant force in conjunction with consent winning mechanisms in order to attain legitimacy.

Consent

The contemporary challenge for state formation is not to get people to recognize the benefit of living in communities but to create a method of governance that is accepted as legitimate by the majority of those whom are governed. Lucian Pye argues, "The acknowledgment of legitimacy resides with the people."⁵⁶ Legitimacy forms a central notion within the theme of governance, it is imperative that the populace confers a level of acceptance upon government authority through its cooperative interactions with state institutions. Stability operations mirror state formation in that both seek to attain the willful subjugation of the population to what is broadly perceived as legitimate governance.

Even in the non-permissive environment of a counterinsurgency operation, a subcategory of stability operations, the intention is to attain government legitimacy. US Army counterinsurgency doctrine recognizes that "The primary objective of any counterinsurgency operation is to foster development of effective governance by a legitimate government. Success in

⁵⁴ Jeffrey Herbst, *States and Power in Africa; Comparative Lessons in Authority and Control*, (Princeton: Princeton University Press, 2000), 21

⁵⁵ Max Weber, *Essays in Sociology* edited by Hans Gerth & CW Mills (New York: Oxford University Press, 1958), 78

⁵⁶ Lucian Pye, "The Legitimacy Crisis" in *Crises and Sequences in Political Development*, Leonard Binder, James Coleman, Joseph LaPolambara, Lucian Pye, Sidney Verba, Myron Weiner (Princeton: Princeton New Jersey, 1971), 135

the form of a durable peace requires restoring legitimacy.”⁵⁷ There has never been a single universally accepted method of governance; therefore the onus is on the indigenous government, supported by the international community, to create a system of governance that is tolerable to its populace. Samuel Huntingdon illustrates this issue, “the most important political distinction among countries concerns not their form of government but their degree of government.”⁵⁸

To minimize the requirement for the use of force a government seeks to govern within socially prescribed norms. Social norms are derived from culture, history and religion. Clifford Geertz agrees with Max Weber, “that man is an animal suspended in webs of significance he himself has spun.” Geertz takes these webs to be a metaphor for culture, culture itself being essentially semiotic, artificially constructed signs and symbols that have interpretive meaning for those residing within the local area (the webs).⁵⁹ Shared values and norms, if positively reinforced, can produce ‘social capital’ that permits groups to cooperate with one another. Francis Fukuyama indicates that all societies have a stock of social capital that creates what he terms “a radius of trust.”⁶⁰ A government must seek to expand and consolidate its societies ‘radius of trust’ in order to create a state that can legitimately govern through consent rather than force.

Stability operations doctrine reflects the requirement to attain the consent of the population. Two of the four stability mechanisms, influence and support are directly correlated to consent. US Army doctrine defines influence as a “means to alter the opinions and attitudes of a civilian population through information engagement, presence, and conduct.”⁶¹ The doctrine goes on to highlight that influence is non-lethal, should be conducted through cultural and societal

⁵⁷ US Army, Field Manual 3-24; *Counterinsurgency* (Washington DC: Headquarters Department of the Army, 15 December 2006), 1-21

⁵⁸ Samuel Huntingdon, *Political Order in Changing Societies* (New Haven: Yale University Press, 2006), 1

⁵⁹ Clifford Geertz, *The Interpretation of Culture* (New York: Basic Books, 1973), 5

⁶⁰ Francis Fukuyama, “Social Capital” in *Culture Matters*, edited by Lawrence Harrison and Samuel Huntingdon (New York: Basic Books, 2000), 99

⁶¹ US Army, Field Manual 3-0; *Operations* (Washington DC: Headquarters Department of the Army, 27 February 2008), 6-10

norms and requires legitimacy. The consent winning mechanisms for both state building and stability operations have significant overlap. This overlap indicates the shared desire to create legitimate government through popular consent.

Force

No state can govern by consent alone. Force or the threat of force is required as a deterrent. The monopoly on the physical use of legitimate force is the prerogative of the state and belongs to no other entity within the state. Internal challenges to the state by groups willing to use force must be answered, most likely with force. A state must therefore be prepared to use force against its citizens to retain population control.⁶²

In opposition to the ‘radius of trust’ reside the discontents within the populace. There are intrinsic tensions within societies as a result of many factors from its hierarchical nature, from its economically disadvantaged to its politically disenfranchised. James Scott notes that ‘these subtle patterns of resistance are unique to a population as a result of their distinct history and culture.’⁶³ Resistance to government takes many forms both violent and non-violent. Gene Sharp claims that 125 different forms of non-violent action exhibiting political dissension have been identified. He lists 84 historical examples starting from 494 BC.⁶⁴ Resistance to government rule, particularly armed resistance, is a challenge to government legitimacy that must be met if necessary by force.

Bard O’Neil indicates that violent action in opposition to government is not a new phenomenon, “the Romans would recognize an insurgency.” O’Neil defines an insurgency as “a

⁶² A question that derives from this assertion is how much force should a government use? How should a government respond to an insurgent group that escalates its use of force, should force be selectively applied or ubiquitously? The quick answer is enough force should be applied to subjugate the population but such an answer fails to do anything more than scratch the surface of the argument. Such enquiries are beyond the scope of this monograph. The author only intends to assert that force is necessary component of state formation.

⁶³ James Scott, *Domination and the Arts of Resistance; Hidden Transcripts* (New Haven: Yale University Press, 1990), xi

⁶⁴ Gene Sharp, *The Strategy of Civilian Defence, edited by Adam Roberts* (London: Faber and Faber, 1967), 89

struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources and violence to destroy, reformulate, or sustain the basis of legitimacy of one or more aspects of politics.”⁶⁵ O’Neil postulates that insurgency has “probably been the most prevalent type of armed conflict since the creation of organized political communities.”⁶⁶ Force has been a traditional method to overwhelm the non-ruling group who seek to oppose government authority.

Stephen Melton in his consideration of “offensive war” (where one nation seeks to impose a new form of government on another) indicates that ‘a large amount of killing will probably be required to make the attacked population concede to the occupation and new governance.’ His research based on data from modern wars indicates that population death rates of at least 5% and perhaps as high 20% may have to be inflicted before the society loses its demographic ability and political will to resist.⁶⁷ Parallels can be drawn when the international community aids a state to impose its authority on a previously autonomous region or when a state attempts to reassert control of a breakaway region.

The application of significant levels of force cannot be overlooked as an important mechanism of state formation. There must be an appreciation, when conducting stability operations, that the installation of a new government or system of governance supported by an international military force can be perceived by the indigenous population, promulgated by subversive elements through a “narrative,” as an illegitimate occupying power. This may result in a significant level of popular resistance to government rule. Such a narrative may require the application of significant, prolonged force in order to be overcome.

⁶⁵ Bard O’Neil, *Insurgency and Terrorism; Inside Modern Revolutionary Warfare* (Dulles: Brassey’s Inc, 1990), 13

⁶⁶ Bard O’Neil, *Insurgency and Terrorism; from revolution to apocalypse, 2nd Revised Edition* (Washington DC: Potomac Books Inc, 2005), 1

⁶⁷ Stephen Melton, *The Clausewitz Delusion; How the American Army Screwed Up the Wars in Iraq and Afghanistan* (Minneapolis: Zenith Press, 2009), 20-23

Michel Foucault provides an interesting, if not rather dark account, of how force was used to punish citizens. The monarch (state) used torture, punishment (chain gangs), discipline and prison as coercive means of control.⁶⁸ These processes often-involved very public displays of force to act as a warning to other protagonists. The Taliban in Afghanistan currently uses comparable approaches to attain coercive control. Force can be a very powerful measure of population control but alone is inadequate to establish legitimate government.⁶⁹

The current US Army counterinsurgency doctrine accepts the importance of the use of force, “there may be times when an overwhelming effort is necessary to destroy or intimidate an opponent.” But it adds a cautionary warning that those using force should “calculate carefully the type and amount of force to be applied and who wields it.”⁷⁰ Force as a mechanism of state formation must be used sparingly and judiciously against carefully selected targets. The overuse of force can have deleterious effects.

The Force-Consent Paradox

Despite the recognition of the benefits derived from communal living, resistance to government - the potential byproduct of such cooperative living - has been an enduring phenomenon. Stability operations must therefore incorporate elements of both consent and force. The four stability mechanisms reflect this requirement; compel, control (force), influence and

⁶⁸ Michel Foucault, *Discipline and Punishment the Birth of the Prison*, translated by Alan Sheridan (New York: Vintage Books, 1995)

⁶⁹ Stathis Kalyvas indicates that force is an essential element in enabling control (which he defines as akin to how the monograph author defines penetration). Overwhelming force can transfer a contested zone (an area in which both insurgent and the government vie for power) into a zone of incumbent (government) control. Kalyvas’ argument demonstrates that force is an integral component of achieving penetration but that the absence of an armed force can result in the region returning to a contested zone. Therefore it is possible to conclude that force alone is inadequate to create the conditions for legitimate government. Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), 87-145 & 210-213

⁷⁰ US Army, Field Manual 3-24; *Counterinsurgency* (Washington DC: Headquarters Department of the Army, 15 December 2006), 1-25

support (consent).⁷¹ A paradox is thus established; force is likely to be required to subjugate the populace in order to create the consent winning conditions to facilitate the emergence of a legitimate government. Control of the populace is one of the core missions of Civil Affairs doctrine, “Populace control measures include curfews, movement restrictions, travel permits, registration cards and the relocation of the population.”⁷²

Historically successful counterinsurgency campaigns in South Africa, The Philippines and Malaya all included elements of population relocation, in the order of hundreds of thousands of people, in attempts to ‘control’ the indigenous populace. Larry Addington identifies the use of force, “Kitchener resorted to the very un-Victorian tactics of burning Boer farms and imprisoning Boer populations in concentration camps.”⁷³ As population densities increase population control will become increasingly challenging. The potentially distasteful aspects of historic state formation (coercion and force) must be integrated, within the constraints of our contemporary era, into stability operation’s planning.

Penetration

As states expanded their territories a single central administrative node proved inadequate. Strata of sub-national government, provincial and district administrative levels emerged to provide the necessary linkages from national to local level governments. Sub-national administrative levels were instrumental in the directing, resourcing and oversight of central government policies at the local level. Their necessity added a layer of complexity to contemporary government, not the least of which was the rapid expansion of government

⁷¹ US Army, Field Manual 3-0; *Operations* (Washington DC: Headquarters Department of the Army, 27 February 2008), 6-10

⁷² US Army, Field Manual 3-05-40; *Civil Affairs Operations* (Washington DC: Headquarters Department of the Army, 29 September 2006), 3-3

⁷³ Larry Addington, *The Patterns of War since the Eighteenth Century, Second Edition* (Bloomington: Indiana University Press, 1994), 124

employees and bureaucracy.⁷⁴ Centralized control without a degree of regional autonomy potentially leads to inefficiencies and an unresponsive government. The bureaucratic nature of the Indian government in the 1970s and the Eastern European centralized governments under a communist system provide examples of large lethargic government.

Stability operations doctrine does not designate the level of centralization to be achieved. Clare Lockhart argues that a centralized state does not necessarily equate to an effective state. This lesson has been learned from the mostly unsuccessful Marxist and modernization developmental theories that were prevalent in the Twentieth Century. The authoritarian flavor of modernization theory argued that, “modernization could take place only through the force of centralizing an omniscient state.”⁷⁵ Lockhart argues that, “national programs delegated to local governments should actually enhance the implementation capability.”⁷⁶ Local level governments being more attuned to the requirements of their populations.

Stathis Kalyvas considers the micro-level dynamics to be important when considering the reintegration of order. Shifting of local attitudes may be far simpler than trying to instigate mass attitudinal shifts. Kalyvas advocated that “The allocation of troops, and, especially administrative resources should be based on a clear understanding of the local balance of control.”⁷⁷ Stability operations may be more effective if at least initially they are orientated towards the sub-national level, the so-called ink spot method; orientated to fix one area or tribe at a time.

⁷⁴ Charles Tilly provides an account of how the bureaucracy and infrastructure of the state expanded. Charles Tilly, *Coercion, Capital and European States; AD990-1992* (Oxford: Blackwell, 1992), 126-155

⁷⁵ Nils Gilman, *Mandarins of the Future: Modernization Theory in Cold War America* (Baltimore: John Hopkins University Press, 2003), 9

⁷⁶ Clare Lockhart & Ashraf Ghani, *Fixing Failed States; A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2009), 165

⁷⁷ Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), 391

Advocates of decentralization argue that it leads to increased efficiency and can lead to improved governance.⁷⁸ Jean-Paul Faguet, in studies done in Bolivia, identified that, “decentralization made government more responsive by re-directing public investment to areas of greatest need.”⁷⁹ Conversely others argue that “In countries where the state lacks the capacity to fulfill its basic functions, there is a definite risk that decentralization will increase poverty rather than reduce it. However, in countries with a functioning central state committed to the devolution of power to local tiers of government, decentralization can be an excellent means of promoting improved representation of the poor and enhancing the targeting of service delivery.”⁸⁰ The question of whether to centralize or decentralize is specific to an individual state.

Whatever the manner of power distribution within the state’s structure of governance the phenomenon of penetration is important in the battle for legitimacy. Joseph Lapalombara states, “Penetration is the effective presence of central governance.”⁸¹ Penetration is a measure of the government’s capacity to govern; it is the ability of the government to have its policies implemented at every level of governance. Comprehensive penetration ensures that government policies are instigated at the lowest levels. Conversely, poor penetration prevents policy implementation. Poor penetration results in increasing inefficiency and increasing costs associated with forcing policy implementation at the lowest levels. Stability operations must be

⁷⁸ Johannes Jütting, Céline Kauffmann, Ida Mc Donnell, Holger Osterrieder, Nicolas Pinaud and Lucia Wegner, *Decentralization and Poverty in Developing Countries: Exploring the Impact*, Research program on: Social institutions and dialogue, OECD Development Center, Working Paper No 236, August 2004, 8-9

⁷⁹ Jean-Paul Faguet, *Decentralization and Local Government in Bolivia: An Overview from the Bottom Up* (Crisis States Program, working paper 29, Development Studies Institute, London School of Economics and Political Science University of London, May 2003), 1

⁸⁰ Louka Katseli, Preface to; *Decentralization and Poverty in Developing Countries: Exploring the Impact* by Johannes Jütting, Céline Kauffmann, Ida Mc Donnell, Holger Osterrieder, Nicolas Pinaud and Lucia Wegner, Research program on: Social institutions and dialogue, OECD Development Center, Working Paper No 236, August 2004, 5

⁸¹ Joseph Lapalombara, *Penetration: A Crisis of Government Capacity in Crises and Sequences in Political Development*, Leonard Binder, James Coleman, Joseph LaPolambara, Lucian Pye, Sidney Verba, Myron Weiner (Princeton: Princeton New Jersey, 1971), 207

cognizant of this phenomenon and must protect, sustain or enhance the government's penetration capacity. Penetration is the critical difference between *de facto* and *de jure* sovereignty.

Stability operations should seek to augment government penetration by partnering with sub-national government organizations to improve their ability to communicate with the populace, by increasing administrators' mobility or access to technologies. The provision of resources can enable administrators to meet the populations' demands. Administrative skills can be taught to increase efficiencies and enable greater effectiveness. These activities can enhance legitimacy in the eyes of the population; hence penetration is an epiphenomenon of legitimacy. Forced implementation of government policies, particularly when associated with military force, can be perceived as occupation and therefore illegitimate.

The Functions of a Modern State

States like the populations they contain change. Howard Handelman asserts that "Political cultures appear to be more malleable than previously recognized."⁸² States have evolved to match the circumstances of their environments. As the populations of a state develop so have the demands that have been place upon the state, typically the trend has been for a state to do more.⁸³ John Locke saw the state as having an essential role in the preservation of society.⁸⁴ Robert Wolf identified the importance of political authority; "[a] state as a group of persons who have and exercise supreme authority within a given territory."⁸⁵ Georg Sorenson posited that a

⁸² Howard Handelman, *The Challenge of Third World Development, Fifth Edition* (Upper Saddle River: Pearson Prentice Hall, 2009), 45

⁸³ The implementation and rise of the welfare state to provide personal security in terms of healthcare, education, a state pension, disability allowances, child benefits and unemployment benefits to name but a few provisions is illustrative of the increased functions that citizens expects a state to perform. These responsibilities go far beyond the provision of physical security.

⁸⁴ John Locke, *Two Treatises of Government* edited by Peter Laslett (Cambridge: Cambridge University press, 1988),

⁸⁵ Robert Paul Wolf, *In Defense of Anarchism*, (Berkley: University of California Press, 1998), 3

state had responsibility to provide services (social welfare) to its populations and was responsible for managing economic policies.⁸⁶

To define the current characteristics of a modern state is no simple task; there is no global consensus. Legal definitions of a state include; the Montevideo convention where Pan American States arrived at the following definition; “The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.”⁸⁷ The European Union (EU) defines a state as, “a community which consists of a territory and a population subject to an organized political authority; that such a state is characterized by sovereignty.”⁸⁸

Clare Lockhart has done some of the most recent work on the characteristics of a state. Lockhart proposed 10 functions that a modern state should conduct.⁸⁹ Although not universally accepted these characteristics are gaining traction within the international development community. The 10 functions are; a legitimate monopoly on the means of violence, administrative control, management of public finances, investment in human capital, delineation of citizens rights and duties, provision of infrastructure services, formation of the market, management of the state’s assets, international relations and rule of law.⁹⁰ These define the characteristics of a Twenty-First Century state that has to operate within an international framework. The functions a state must conduct simultaneously have increased in response to the

⁸⁶ Georg Sørensen, *Changes in Statehood: The Transformation of International Relations* (Basingstoke: Palgrave, 2001), 4-7

⁸⁷ Convention signed at Montevideo December 26, 1933; Senate advice and consent to ratification, with a reservation, June 15, 1934; Ratified by the President of the United States, with a reservation, June 29, 1934; Ratification of the United States deposited with the Pan American Union July 13, 1934; Entered into force December 26, 1934; Proclaimed by the President of the United States January 18, 1935; Article 8 reaffirmed by protocol of December 23, 1936. http://avalon.law.yale.edu/20th_century/intam03.asp (viewed April 23, 2010)

⁸⁸ Thomas D. Musgrave, *Self-Determination and National Minorities* (Oxford: Oxford University Press, 2000), 235

⁸⁹ Clare Lockhart, Ashraf Ghani, Michael Carnahan, “Closing the Sovereignty Gap: An Approach to State Building” (London: Overseas Development Institute, Working Paper 253, September 2005)

⁹⁰ Clare Lockhart & Ashraf Ghani, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2009), 124-165

number of interactions it must have with a multitude of organizations and its populace within the contemporary global environment.

Contemporary stability operations must recognize that the international development community is trying to do more than create a state with “the legitimate monopoly of violence, with a stable legitimate government within a defined territory.” The UN’s eight Millennium Development Goals illustrate this issue. The increasingly ambitious goals of the development community potentially expand the scope of stability operations. This is a double edged sword; the development community may have more consent winning projects at their disposal but it can also raise the expectations of the indigenous population thus raising the evaluation criteria by which they assess the government’s performance legitimacy.

Stability operations doctrine recognizes the increasing functions of a state. Doctrine articulates that the provision of security alone is inadequate. The UK in its stability operations doctrine aims to undertake three simultaneous actions; to build human and national security, to stimulate economic and infrastructure development and to foster host government capacity and legitimacy.⁹¹ The US Army’s stability operations doctrine complements its UK counterpart in that it also recognizes the requirement for complementary lines of effort, “linking military actions with broader interagency efforts.”⁹² Importantly there must be recognition that these operations are typically no longer to ‘maintain the status quo’ as David Galula asserted in relation to his experiences with counterinsurgency operations.⁹³ They are increasingly revolutionary in character as a novel system or functions of government are imposed upon the population.

⁹¹ UK Government, Joint Defence Publication 3-40, Security and Stabilization: The Military Contribution (London: Ministry of Defence, November 2009), 2-20

⁹² US Army, Field Manual 3-07; *Stability Operations* (Washington DC: Headquarters Department of the Army, 6 October 2008), 4-9

⁹³ David Galula, *Counterinsurgency Warfare; Theory and Practice* (Westport: Praeger Security International, 2006), 14

Simultaneity

The simultaneous application of governance, security and development are the processes by which stability operations can apply force and consent mechanisms. Stability forces can use these simultaneous processes to augment or sustain government penetration. Government penetration is essential to counter subversive groups and insurgents. These groups are in a struggle to compete with the government in order to be seen as the legitimate authority. Penetration allows the government to participate in the battle for legitimacy.

A government supported by a stabilization force that conducts simultaneous lines of effort can nullify many of the techniques that insurgents utilize to wrestle power from the central authority.⁹⁴ Failure to conduct simultaneous actions potentially allows the insurgents to seize the initiative in a particular area; e.g. development, security, governance. A government that cannot provide security because of insurgent action, or that cannot provide social programs allows an insurgent to exploit these ‘gaps’. Simultaneous operations that achieve success are mutually reinforcing. Progress allows the government to attain a ‘safe and secure environment’. The international development community recognizes the multi-dimensional challenges posed by fragile states and the importance of simultaneity, ‘a whole of government approach.’⁹⁵

Simultaneity may achieve results but it creates an additional concern; the amount of change.⁹⁶ A weak state that becomes active across a broad spectrum of activities that have increasing social impacts upon the populace, like the functions of government proposed by Lockhart, may have unintended consequences. Misagh Parsa provides one example; “the

⁹⁴ US Army, Field Manual 3-24; *Counterinsurgency* (Washington DC: Headquarters Department of the Army, 15 December 2006), 1-5

⁹⁵ Organization for Economic Cooperation and Development (OECD), “The OECD principles for good international engagement in fragile states and situations” (OECD, Principles, April 2007), 2

⁹⁶ Rapid unprecedented change that significantly orders societal structures, social norms and patterns of behavior can have drastic consequences. One of the most radical illustrations of this would be the Soviet collective farms; another would be the Shah of Iran’s rapid quest for modernity. Nothing quite so radical is being proposed by the development community but the superseding of traditional tribal elders with democratically elected representatives would be an example of the alteration of societal structures.

expansion of freemarkets may continue to exacerbate class conflict and ethnic divisions and provide ample cause for conflict.”⁹⁷ It is nearly impossible to predict the effects, either positive or negative, that an increasingly active government may have on its population. Cautious reform should therefore be the watchword. James Scott arrives at four principles that he suggests could make development planning less prone to failure; plan on surprises, plan on human inventiveness, favor reversibility and perhaps most importantly take small steps.⁹⁸

The use of force to assist with ‘population control’ to augment fragile state consolidation should not be discounted. Whatever the model of government it is essential that stability operations should augment the process of penetration and focus on the enhancement of government legitimacy. The provision of security alone is no longer adequate; modern states are obliged to do more for their citizens. Simultaneous operations along three principle lines of effort; security, governance and development allow a stability force to support government penetration and to participate in the battle for legitimacy. Enhanced government penetration may provide the conditions for subversive group or insurgent culmination that would enable the consolidation of the government as the legitimate authority.

⁹⁷ Misagh Parsa, *States, Ideologies and Social Revolutions; A Comparative Analysis of Iran, Nicaragua and The Philippines* (Cambridge: Cambridge University Press, 2000), 12-21

⁹⁸ James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 345

The Civilian and Military Roles in Stability Operations

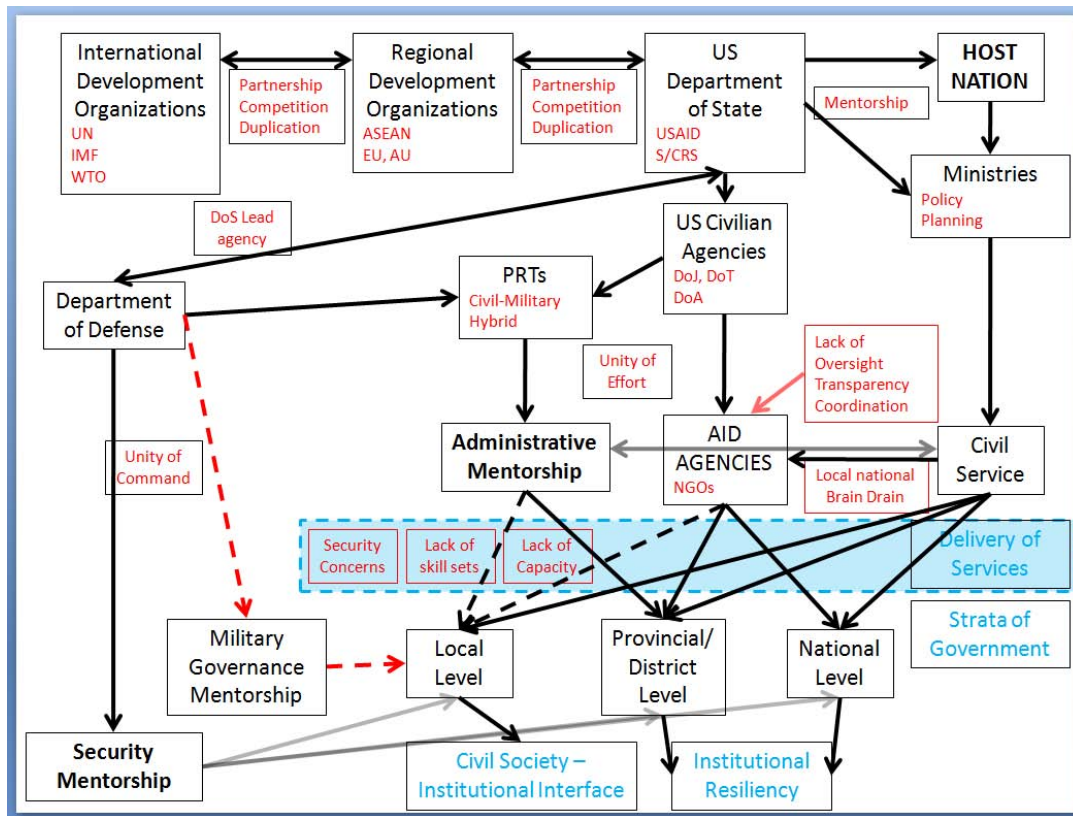


Figure 4. The capacity gap within civilian administrative mentorship

This chapter argues that civilian developmental agencies are not operating sufficiently at the local level.⁹⁹ This is due to a complicated set of reasons including; security concerns, the draw of the center, a lack of capacity and a lack of requisite skills. Efforts to mitigate these shortcomings most notably the instigation of military-civilian hybrid development teams is still inadequate. Consequently consent winning mechanisms are not accompanying force mechanisms

⁹⁹ Figure 4 attempts to illustrate the complex relationships between host nation, NGOs, IGOs and US Government Departments at various strata of government. It illustrates the relationship between military and administrative mentorship and highlights the shortfall in civilian capacity, concerns about security and the lack of requisite skills required for local level administrative mentorship. It hypothesizes that the 'capacity gap' has a derogatory effect on the civil society – government institutional interface.

required to aid penetration and promote legitimate government. The processes of penetration and simultaneity are not being achieved at the local level.

Limitations of Civilian Agencies in Stability Operations

Stability operations are dominated by host nation political considerations. Mao considers the political nature of an insurgency, “Without a political goal, guerrilla warfare must fail, as it must if its political objectives do not coincide with the aspirations of the people and their sympathy.”¹⁰⁰ As Samuel Griffith illustrates Western militaries are not suited to politicized conflict, “In the United States, we go to considerable trouble to keep soldiers out of politics. Guerrillas do exactly the opposite.”¹⁰¹ The political and social objectives of a subversive movement or an insurgency must be recognized and all strata of government resourced to counter these threats. The importance of being able to counter local, subversive political objectives is especially important, as “all politics is local.”

The effect of not controlling the local level of government was best described by a former Vietminh, “You have the central government, then the province, district, and village. If the village is weak, then I guarantee you, no matter how strong the central government is, it won’t be able to do a thing.”¹⁰² Stability operations that concentrate on centralized government push subversive groups to the periphery and down to the local level. The local level societal-institutional interface must not be overlooked at the expense of centralized institutional development.

Insurgents, understanding the degree to which development agencies undermine their case, deliberately target them. A recent report identified, “Since 1997, the absolute number of

¹⁰⁰ Mao Tse-tung, *On Guerrilla Warfare*, translated by Samuel Griffith (Chicago: University of Illinois Press, 2000), 43

¹⁰¹ Samuel Griffith introduction in *On Guerrilla Warfare*, Mao Tse-tung, translated by Samuel Griffith (Chicago: University of Illinois Press, 2000), 8

¹⁰² Jeffrey Race, *War Comes to Long An: Revolutionary Conflict in the Vietnamese Province* (Berkeley: University of Los Angeles Press, 1973), 42

major acts of violence (killings, kidnappings and armed attacks resulting in serious injury) committed against aid workers each year has nearly doubled, with the increase growing steeper in the second half of the decade. Overall, there were 408 reported acts of major violence against aid workers over the nine-year period, involving 941 victims and resulting in 434 fatalities.”¹⁰³ Insurgent organizations, recognizing the threat that civilian administrators pose to their objectives, consider them an important target.

In non-permissive environments, international aid workers are increasing their security and reducing their interactions with indigenous populations (see Figure 4). They are becoming increasingly reliant on intermediaries, local national aid workers. As a consequence of this method of operation international aid worker deaths are decreasing whilst local national aid worker deaths increase.¹⁰⁴ Empirical analysis supports this hypothesis an increasing reliance on local nationals.

Non-permissive environments increase inefficiencies, “between 15-30% of aid money is being spent on security.”¹⁰⁵ The net result of diminished interaction with the indigenous population is a decrease in the transfer of essential skills and the unfocused allocation of resources. The insurgents are deliberately targeting organizations that can augment a government’s legitimacy and penetration, as well as damaging stability operations by impairing their capacity to conduct simultaneous; governance, development and security. The results of insecurity as highlighted in the UK’s Department for International Development’s (DFID) 2009 annual report for Afghanistan where: “Security constraints have limited engagement with local and provincial government restricting data gathering and personal knowledge of projects.”¹⁰⁶

¹⁰³ Abby Stoddard, Adele Harmer and Katherine Haver, *Providing Aid in Insecure Environments: Trends in Policy and Operations*, (Center on International Cooperation, Humanitarian Policy Group Report 23, September 2006), 1

¹⁰⁴ *Ibid.*, 1.

¹⁰⁵ Jon Bennett, *Country Program Evaluation Afghanistan* (London: Department for International Development, May 2009), viii

¹⁰⁶ *Ibid.*, xiii.

Approaches to overcome the obstacles posed by a non-permissive environment are required to maximize aid worker interactions with the host-nation governance structures.

The civilian development community is drawn to the center, the national capital. Civilian institutions can incentivize but cannot compel employees to serve in particular regions unlike their military counterparts. The UN, despite being committed to decentralized operations, continues to operate in a centralized manner. The UN mission to East Timor illustrates this, “As of January 2000, 192 UNTAET international administrative personnel had been deployed to Dili but only seventeen were serving in districts.”¹⁰⁷ Richard Caplan discusses the center-district tension as a common problem among territorial administration operations in particular the perception that the centre is being favored for resources over the districts.¹⁰⁸ The ability to get civilian volunteers to the district let alone the local level presents a significant challenge.

The more austere the environment the more reticent aid workers are to deploy. Afghanistan is a perfect example, “While property prices across the world are collapsing, prices in parts of the Afghan capital have risen by 75 per cent in the past year. Prices have been buoyed by demand for city centre property and land from an influx of aid agencies, international contractors and the building of new embassies.”¹⁰⁹ The attraction of the ‘in vogue’ international crisis draws aid money, international press and notoriety. Peter Andreas provides an insightful account of how a capital city in the midst of a conflict is converted into a hub of illicit economic activity, political intrigue and competing aid agency agendas as all vie for legitimacy in front of a

¹⁰⁷ Joel Beauvais, “Benevolent Despotism: A Critique of UN State Building in East Timor”, *International Law and Politics*, Vol 33, December 2001, 1101-1178, 1142

¹⁰⁸ Richard Caplan, *International Governance of War Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005), 98

¹⁰⁹ Ben Farmer, “Kabul Property Boom Bucks World Trend” (Daily Telegraph Article dated 01 April 2009)

global media.¹¹⁰ These historic trends in civilian deployments do not aid penetration, legitimacy or simultaneity at the district or local levels.

The relatively uncoordinated nature of international administration makes for complex arrangements that have to be tailored to each operation (see Figure 4). Such arrangements take time to consolidate, “While not entirely without precedent, international administration is an innovation, and an ad hoc one at that.”¹¹¹ Uncoordinated action threatens simultaneity, “Unity of effort must be present at every level of a COIN operation. Otherwise, well-intentioned but uncoordinated efforts can cancel each other or provide vulnerabilities for insurgents to exploit.”¹¹² Ad hoc arrangements have been the precedent and this trend is unlikely to change. Such arrangements present significant challenges to penetration and legitimacy.

Careful collaboration is essential to ensure that unity of effort actually transpires. To “Agree on coordination mechanisms between international actors” is one of the principles of good international engagement.¹¹³ The danger is duplication of effort resulting in inefficiencies or worse; competition that may undermine the host nation government by establishing competing centers of legitimacy. Aid agencies offering better salaries than the host nation civil service is one such mechanism by which the talent is stripped from the host nation government.

Inefficiencies, lack of oversight and transparency are cause for concern when assessing the performances of a number of these organizations (see Figure 4). In East Timor “The UN spent millions of dollars on offices and accommodation for staff, but the rules had to be bent to allow

¹¹⁰ Peter Andreas, *Blue Helmets and Black Markets: The Business of Survival in the Siege of Sarajevo* (Ithaca: Cornell University Press, 2008)

¹¹¹ Richard Caplan, *International Governance of War Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005), 16

¹¹² US Army, Field Manual 3-24; *Counterinsurgency* (Washington DC: Headquarters Department of the Army, 15 December 2006), 2-9

¹¹³ Organization for Economic Cooperation and Development (OECD), “The OECD principles for good international engagement in fragile states and situations” (OECD, Principles, April 2007), 3

us to do up a limited number of public buildings.”¹¹⁴ International organizations that lavish funding upon themselves do little to engender an atmosphere of cooperation and mutual respect. The establishment of international bureaucracy must be done in collaboration, rather than in isolation, from host nation governments. Lack of oversight and accountability sets a bad example for host nation governments to emulate. Disparate, uncoordinated, and self-governing international aid agencies free from externally imposed restrictions can present a significant threat to host nation government legitimacy. Stability operations must consider the element of risk versus benefit that ad hoc aid agencies present to local government.

Paul Collier has called for a new approach, an effort to coordinate aid agencies and Non-Governmental Organizations (NGOs) into much closer collaboration with the national government through what he terms the Independent Service Authority (ISA); an international bureaucracy. The intent of the ISA is to mediate between the policy and planning functions of a host nation’s ministry and the NGOs delivery of services. In this system “The NGOs become part of the Government system, rather than independent of it.”¹¹⁵ Such an approach would enhance government penetration and potentially empirical legitimacy at the local level. The associated costs of this proposition to NGOs would be a loss of their independence.

There is a desire to accuse overbearing international administrators of being neo-colonialists. However, as Rory Stewart notes they are in fact entirely unlike,

Colonial era officers did at least work seriously at the business of understanding the people they were governing. They were recruited to spend their entire careers in dangerous provinces of an alien nation. They were taught the local language, they trained the local elite, they balanced the local budget and generated fiscal revenue if they didn’t the home government wouldn’t bail them out. The current batch of administrators has no credible monitoring bodies and no one to take formal responsibility.¹¹⁶

¹¹⁴ Sergio Vieira de Mello, “How to Run a Country; Lessons for the UN from Kosovo and East Timor”, unpublished manuscript (2000), 8

¹¹⁵ Paul Collier, “New Rules for Rebuilding a Broken World”, transcript from a talk given to the US Department of State, June 2009. Viewed on 19 August at <http://dotsub.com/view/38157a08-b8da-4b70-85c8-cf350c655457/viewTranscript/eng>

¹¹⁶ Rory Stewart, *The Places In Between* (London: Picador, 2004), 247-248

An coordinated international development community that had a career path that emulated colonial era officers would greatly benefit stability operations.

Colonial era governance offers an additional approach; mentorship. The acceptance of responsibility is achievable in a gradual manner through a process of mentorship. Security force mentorship is a well-tested effective mechanism to develop the capacity of host-nation security forces whilst simultaneously engendering trust. Administrative mentorship is a sound principle based along similar guidelines. In practice, this process has proved to be exceedingly challenging. In Kosovo and East Timor, the international community was not always in a position to mentor their indigenous counterparts, “The internationals lacked the requisite skills themselves.”¹¹⁷ Additionally, they were under-resourced “an inadequate number of UN personnel with inadequate means working long hours at fire-fighting and improvising.”¹¹⁸ Administrative mentorship faces two principle challenges; capacity shortfall and personnel with the requisite skill sets.

Capacity shortfall is most significantly at the local level (see Figure 4). As David Galula states, “Since an insurgency is a bottom-to-top movement, an administrative vacuum at the bottom, an incompetent bureaucracy, plays into the hands of the insurgent.”¹¹⁹ Failure to support local administrative capacity drives the population into the hands of the insurgents. Civilian shortfalls are not a recent problem: “The Civil Operations and Rural Development Support (CORDS) program in Vietnam increased from 2,314 to 2,918 from 1967 through 1968 and at its peak in September 1969 comprised 7,601 advisors assigned to province and district pacification

¹¹⁷ Ruth Wedgwood and Harold Jacobson, “Symposium: State Reconstruction after Civil Conflict: Foreword”, *American Journal of International Law*, 95/1 (2001), 2

¹¹⁸ Sergio Vieira de Mello, “How to Run a Country; Lessons for the UN from Kosovo and East Timor”, unpublished manuscript (2000), 4

¹¹⁹ David Galula, *Counterinsurgency Warfare*, 19

of which 6,464 were military.”¹²⁰ The military always appear to be surprise by a shortfall of civilian capacity and yet historically this has always been the case.

Bob Woodward reports, “In the spring of 2006 in response to a Presidential all-hands-on-deck request for all of the US government to pitch in to the Iraq war effort, Condoleezza Rice, who was responsible for gathering willing civilians from various departments and agencies managed to gather 48 people.”¹²¹ A RAND corporation study neatly summarized the situation, “It is an indication of a critical failure that the collective personnel systems of the U.S. government, which involve approximately 2.7 million employees, did not find an additional 2,000 to 3,000 well-qualified people who would deploy to Iraq.”¹²² There is not comparable redundant capacity intrinsic to the US and other national government agencies as resides within military forces. The hiring of contractors provides one mechanism to address this problem but it in turn presents another challenge.

Technical expertise is difficult to acquire. Agricultural, justice and transportation experts, civil engineers and administrators do not sit around waiting for the next international crisis to emerge. Governance experts are perhaps even harder to find; district or county legislative, judicial and executive personnel cannot frequently take a leave of absence from their own areas of responsibility to help develop such systems in other states. Expertise is by definition narrowly focused; this leads to a requirement for additional personnel. A transportation expert is likely to be specialized in road, rail, sea or air transportation and perhaps only has a specific niche skill set within that mode of transport. Likewise, academic governance experts may be of assistance when

¹²⁰ Richard Hunt, *Pacification: The American Struggle for Vietnam's Hearts and Minds* (Boulder: Westview Press, 1995), 86-279

¹²¹ Bob Woodward, *The War Within: A Secret White House 2006-2008* (London: Simon & Schuster UK Ltd, 2008), 53

¹²² Terrence Kelly, Ellen Tunstall, Thomas Szayna, Dianna Prine, *Stabilization and Reconstruction Staffing: Developing US Civilian Personnel Capabilities* (Santa Monica: RAND Corporation, 2008), 15

establishing a constitution but are unlikely to be well versed in the intricacies of pragmatic political affairs.

The creation by the US Government of the Office of Coordinator of Reconstruction and Stabilization (S/CRS) is a positive step to coordinate technical experts from across the whole of government. However, the capabilities of the organization, assuming that it achieves full manning, are limited. The active component is to comprise 250 personnel, the standby component 2000 personnel and the reserve component strength has not yet been outlined.¹²³ If the entire office were to be fully deployed to a single state, the S/CRS would have a footprint similar to the Provincial Reconstruction Teams (PRTs) currently deployed in Afghanistan. Despite recent progress, the issue of civilian capacity and expertise remains a major concern.

The motives of Colonialism may have been poor but effective governance was delivered in many areas for several generations. The key principle of British Colonial rule was to get “government on the ground.” A system that established distinct layers of trusted government, often using indigenous administrators, down to the sub-district level was common.¹²⁴ Getting ‘governance on the ground’ is unfeasible with the current shortfalls in civilian administrative capacity.

There has been a deepening realization from civilian administrators that like their military counterparts they must devolve down to lower levels. US AID has 420 personnel in Afghanistan as of July 2010, of whom 55% are located outside of Kabul.¹²⁵ None of these personnel occupies a position below the Regional, District or Provincial level. Taking the lessons from Vietnam and

¹²³ Office of the Coordinator for Stabilization and Reconstruction, Introduction to the Civilian Response Corps, <http://www.crs.state.gov/index.cfm?fuseaction=public.display&shortcut=4QRB> (accessed May 23, 2010)

¹²⁴ Michael Crawshaw, *Running a Country: The British Colonial Experience and its Relevance to Present Day Concerns* (Shrivenham: Defence Academy of the UK, The Shrivenham Papers No 3, April 2007), 8-9

¹²⁵ Rajiv Shah, Testimony of Dr Rajiv Shah USAID Administrator; testimony before the subcommittee of State, Foreign operations and Related Programs Committee on Appropriations, US House of Representatives, July 28, 2010, USAID website; <http://www.usaid.gov/press/speeches/2010/ty100728.html> (accessed on August 15, 2010)

understanding that civil-military cooperation can be effective the generation of PRTs has blended civilian and military personnel in an effort to augment capacity.

The PRTs, a civil-military hybrid, goes part way to addressing issues relating to sub-national governance and development (see Figure 4). US Central Command points out “In Afghanistan there are 26 PRTs, each PRT comprising roughly 60 experts in engineering, agriculture and civilian affairs and an additional 20 civilian experts who work shoulder to shoulder with various Afghan partners.”¹²⁶ Participants of the PRT program number a little over 2000 this is in comparison to nearly 120,000 troops belonging to the International Security Assistance Force (ISAF) that are in Afghanistan.¹²⁷ The civilian-military governance and development effort below the nation level remains small.

The PRTs enhance simultaneity. A US Army report on Afghanistan assessed “After 3 years in existence, the PRTs still needed to be improved. The concept, however, was original and revolutionary, and, despite a myriad of obstacles, the teams had made significant contributions to the Afghanistan campaign.”¹²⁸ There remained “the need for the nonmilitary agencies of the US Government to become more serious about staffing the PRTs with qualified people.”¹²⁹ The PRT has been a mechanism for enhancing capacity at the sub-national level but this is insufficient when considering the population numbers.

¹²⁶ United States Central Command Website, “PRTs Look at a Way Forward in Afghanistan” <http://www.centcom.mil/en/what-we-do/prts-look-at-way-forward-in-afghanistan.html> (accessed on August 8, 2010)

¹²⁷ ISAF website, Troops Numbers and Contributions, valid at 04 August 2010, source ISAF, <http://www.isaf.nato.int/troop-numbers-and-contributions/index.php> (accessed on August 8, 2010)

¹²⁸ Donald Wright, *A Different Kind of War: The United States Army in Operation Enduring Freedom (OEF) October 2001 – September 2005* (Fort Leavenworth: Combat Studies Institute Press, US Army Combined Arms Center May 2010), 298

¹²⁹ Robert Perito, “US Experience with PRTs in Afghanistan,” United States Institute of Peace (Special Report 152, October 2005) 11–12.

Afghanistan has 22,000 villages, 398 districts and 34 provinces as recognized by the Afghan Government in June 2005.¹³⁰ There are an inadequate number of PRTs to cover each province. To add complexity the 'US policy shift(ed) in Afghanistan in 2008 to local solutions and local governance. 30,000 positions are to be elected in Afghanistan under local governance programs.'¹³¹ The recently published Afghan sub-national governance policy handed 12 responsibilities to these provincial, district and village administrators.¹³² The Obama Administration's Afghan Strategy review whose results were published on 27 March 2009 called for; 'a civilian surge of 430 U.S. civilian personnel—and many additional civilians from partner countries will join them—to advise Afghan Ministries and provincial and district administrations.'¹³³ Despite the lessons learnt from Iraq once again civilian capacity was inadequate 'In actuality only a quarter of the 430 have thus far materialized'.¹³⁴ Those requiring mentoring and the tasks expected of them grew exponentially without a comparative rise in the number of international administrators.

Civilian administrators even when diluted within a civilian-military hybrid apparatus are still in perilously short quantities. Their focus is at the national and district level to create resilient macro-government institutions - capacity building.¹³⁵ Resilient institutions provide long-term capacity that has the potential to enhance government legitimacy over time. This process, although important, ignores the management of the government institution – civil society interface at the local level. The associated costs result in a failure to improve empirical

¹³⁰ Kenneth Katzman, *Afghanistan Government Formation and Performance* (Washington DC: Congressional Research Service, 5 June 2009), 10

¹³¹ *Ibid.*, 7.

¹³² Islamic Republic of Afghanistan Government, *Sub-National Governance Policy; Executive Summary* (Kabul: Afghanistan Government, Summer 2009), 6-7

¹³³ Kenneth Katzman, *Afghanistan Government Formation and Performance*, 4

¹³⁴ Jackie Northam, 'Civilian Surge' Plan for Afghan Hits a Snag, (National Public Radio, 20 September 2009), <http://www.npr.org/templates/story/story.php?storyId=112976965> (accessed on August 17, 2010)

¹³⁵ US Army, Field Manual 3-07; *Stability Operations* (Washington DC: Headquarters Department of the Army, 6 October 2006), C-2

assessments, from the local perspective, of government legitimacy and fail to enhance government penetration at to the lowest levels.

British stability operations doctrine provides an illustrative account of the dangers of creating institutional capacity at the expense of local level mentorship. An Afghan judge was bribed to be lenient by the family of an accused murderer, a crime that would normally carry the death penalty. He was instead sentence to only 6 months imprisonment. Upon his release, the Taliban arrested the man and subsequently sentenced him to death.¹³⁶ The failure of the Afghan justice institution to comply with the social norms and to administer the appropriate sentence made the institutional capacity building irrelevant as the institution was delegitimized in the perception of the local population. Capacity building cannot come at the expense of local level legitimacy.

A balance must be struck between macro-level institutional resiliency and local level penetration and legitimacy. Failure to address this issue will result in a national government with *de jure* but not *de facto* sovereignty. As one female Afghan Member of Parliament admitted, “I am a people's representative in a government which is not present even in my own district.”¹³⁷ Government that has to govern indirectly because it cannot operate within its area of responsibility is no government at all. Civilian administrative capacity is inadequate. Therefore in relation to stability operations simultaneity does not occur. A lack of simultaneity fails to augment the host nation government in the fight for local level legitimacy and penetration.

¹³⁶ UK Government, Joint Defence Publication 3-40, *Security and Stabilization: The Military Contribution* (London: Ministry of Defence, November 2009), 6-7

¹³⁷ Wazhma Frogh, “Afghan’s Politics Should be Local,” *Foreign Policy*, (14 July 2010). http://afpak.foreignpolicy.com/posts/2010/07/14/afghanistans_politics_should_be_local (accessed August 20, 2010).

The Military Role in Local Governance

The argument that the military should focus almost exclusively on the provision of security is outdated, yet it endures within our doctrine. British stability operations doctrine illustrates this point:

The key purpose of military involvement should focus on improving the security situation sufficiently to allow the appropriate civilian organisations (sic) to operate effectively. It is principally the results of the actions of these other organizations which will bring about the longterm, self-sustaining solutions required. However, in addition to establishing a robust security framework, the military may, in non-permissive circumstances, be required to contribute to wider stabilization (sic) tasks.¹³⁸

In the absence of civilian administrative capacity, there is a strong case for military assistance in governance and development at the local level. US Army Field Manual 3-24 quotes David Galula acknowledging that soldiers may have to conduct urgent and vital tasks out of their areas of expertise “but only for as long as he cannot be replaced, for it is better to entrust civilian tasks to civilians.”¹³⁹ The military must take a more active role in these ‘urgent and vital tasks’ because the civilian administrators lack the capacity to operate at this level. This will be challenging because the modern occidental military prides itself on its professional, apolitical characteristics. These apolitical characteristics will have to be set aside in order to conduct effective stability operations.

The political nature of these types of operation requires addressing down to the local level to counter those who are struggling to subvert the government’s legitimacy. Galula argues this when he states; “the military action is secondary to the political one, its primary purpose being to afford the political power enough freedom to work safely with the population.”¹⁴⁰ In the absence of civilian administrators, occidental militaries need to develop the skills to counter the

¹³⁸ UK Government, Joint Defence Publication 3-40, *Security and Stabilization: The Military Contribution* (London: Ministry of Defence, November 2009), 2-20

¹³⁹ US Army, Field Manual 3-24; *Counterinsurgency* (Washington DC: Headquarters Department of the Army, 15 December 2006), 2-9

¹⁴⁰ David Galula, *Counterinsurgency Warfare*, 63

insurgent's political objectives and to be able to assist local governance to work for their communities whilst within their communities.

Historical operations have revealed that considerable attention was focused down to the local level. In 1899 during the Philippine War, the occupying US Army was broken into small garrisons. Each small unit adopted its own counterinsurgency methods based on their understanding of the realities of the guerrilla war being fought in their immediate locale. The success of local policies and methods expanded control throughout the region. Each district adopted its own strategy: "the Third District used benevolent policies such as instigating civilian government and schools. The Second District facing stiffer resistance used civil government, native police and social reforms."¹⁴¹ Empowerment at the local level, with resources, can allow commanders and 'reliable local civilian partners' to adapt to the unique circumstances within their areas of responsibility. This devolution of authority and resources can lead to more effective responses than those developed by a centralized government.

Frank Kitson, drawing on his experiences of counterinsurgency operations in Kenya, Malaya, Oman, Cyprus and Northern Ireland, acknowledged that civilian administrators could not be found in sufficient numbers and instead utilized the military in development activities; 'such as teaching, establishing clinics, advising simple construction works and working on agricultural projects.'¹⁴² Kitson also considered how he would regain a measure of control over the population; "sending a team into each village to work in close contact with the village council."¹⁴³ The intent of coordinating development, mentoring governance and providing security at the lowest level is identifiable in Kitson's assertions.

¹⁴¹ Brian Linn, *The US Army and Counterinsurgency in the Philippine War, 1899-1902* (Chapel Hill: The University of North Carolina Press, 1989), 163-165

¹⁴² Frank Kitson, *Low Intensity Operations: Subversion, Insurgency and Peacekeeping* (London: Faber and Faber, 1991), 79

¹⁴³ Ibid., 106.

Roger Trinquier, drawing on his experiences in Algeria, takes population control to its absolute extreme; he is exceedingly assertive in his mechanisms. He appoints a “chief of a group of houses” who will be responsible for four or five “heads of family.” Above him resides a “sub-district leader” responsible for some ten “chiefs of houses.” The sub-district commander is to be firmly attached to his sub-district perhaps through a business, a large family or his affluence. The sub-district commander is then responsible for the execution of government policy.¹⁴⁴ Such civilian control measures are akin to totalitarian rule. Trinquier considers the prudent delivery of aid in cooperation with security force operations. Once security has been established he envisages “extensive and generous social assistance.”¹⁴⁵ Trinquier considers the simultaneous application, admittedly rather frugally initially on the development front, of development, governance and security at the local level.

In Afghanistan the 30,000 district and local administrators require mentorship, security and developmental resources. From a perceived shortfall of international and Afghan forces a plan has been instigated to employ 10,000 militia members. The militia, will be paid by the Afghan Ministry of Interior and will be recruited from local communities.¹⁴⁶ The intent is to coordinate governance and security at the local level.¹⁴⁷ The third element, development, can be achieved by the application of the Commander’s Emergency Response Program (CERP) monies, used for local level small development projects.

¹⁴⁴ Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency* (Westport: Praeger Security International, 2006), 29

¹⁴⁵ Ibid., 42.

¹⁴⁶ Kim Sengupta, Petraeus's First Act is to Establish Militias to Fight the Taliban, (The Independent, 16 July 2010), viewed on August 17, 2010, <http://www.independent.co.uk/news/world/asia/petraeuss-first-act-is-to-establish-militias-to-fight-the-taliban-2027711.html>

¹⁴⁷ Militias are a resource that the government can use to counter-insurgents. They live among the population and have an abundance of local knowledge. There is concern over their level of reliability but once initially blooded by insurgents and with every subsequent act of violence Kavylas asserts that their reliability increases. Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), 107-109

The annual CERP fund for Afghanistan in 2009 was \$2.64 billion. This compares to \$25.23 billion spent on security forces and \$9.74 billion spent on the Economic Support Fund (ESF). Only \$1 billion of the ESF was allocated for good governance, targeting governance capacity and technical assistance.¹⁴⁸ The CERP funding enables the US military to conduct development in coordination with the provision of security. The US military has the capacity to augment government penetration and legitimacy.

Results from recent operations have demonstrated that some governance and development expertise resides within the US military, in particular the Army Reserve and National Guard components. Lieutenant Colonel Rice was instrumental in establishing local level governance in Baghdad, drawing on his experience as a state legislator.¹⁴⁹ The National Guard established Agribusiness Development Teams, which have promoted sustainable farming practices in Afghanistan.¹⁵⁰ Unlike civilian administrators robust mobilization legislation exists that compels reservists to serve under preordained terms and conditions of service, to operate in non-permissive environments and in locations that best suit the requirements of the mission.

The advantage of a purely military effort at the local level results in “unity of command” rather than “unity of effort.” The resultant efficiencies between the coordination of governance, development and security, force and consent winning activities, create greater effectiveness as operations can be shaped around these three lines of effort. Despite individual expertise, the military lacks the institutional collective knowledge to conduct governance and development mentorship. However, these skills are teachable.

¹⁴⁸ Anthony Cordesman, “Shape, Clear, Hold, Build and Transfer: The Full Metrics of The Afghan War”, (Washington DC: Center for Strategic and International Studies, 18 February 2010 Source: SIGAR 21Jan 2010; p34), 169

¹⁴⁹ Donald Wright, *On Point: Transition to the New Campaign: The United States Army in Operation IRAQI FREEDOM May 2003-January 2005* (Fort Leavenworth: Combat Studies Institute Press, 2008), 410-411

¹⁵⁰ Jon Soucy, Agricultural Development teams, National Guard Website, Washington DC, 6 October 2009, <http://www.ng.mil/features/adtd/default.aspx> (accessed on August 2010)

The post-colonial era precedence for US Military governance was set in 1942.¹⁵¹ In January 1942 the military was charged with “the responsibility of training officers for future details in connection with military government.”¹⁵² US Army Field Manual 27-5 outlined the “fulfillment of obligations imposed upon invading forces under international law, that such forces institute control of civilian affairs by military government or otherwise in the occupied or liberated areas.”¹⁵³ The first issue was produced in December 1943 and was subjected to a revision in October 1947. Military governance operations between 1943 and 1946 illustrated that such operations were feasible. A further revision of this field manual could update governance theory and adjust the role from military governance to military governance mentorship.

The US Army’s Civil Affairs branch with a slight alteration of its current missions could fulfill this role. An expansion of the branch may be required to meet the current capacity gap. Such an expansion within a climate of potential budget cuts would remove military capabilities from other areas. As the US military continuously adjusts its force structure to match its ‘mission set’ as laid out by its operational concept so it can adjust again to meet the demands imposed by stability operations. The US military has the capacity to meet the provision of security, development and governance at the local level.

Since the 2005 issue of President George W. Bush’s National Security Presidential Directive 44 assigning the Department of State lead agency status in stability operations there has

¹⁵¹ The US Department of State failed to deliver a feasible plan for post-conflict governance in liberated countries. The US Military not only came up with a feasible plan but subsequently instigated the plan. The Civil Affairs branch was assigned the mission to conduct military governance, developed a school of military governance and subsequently conducted military governance in North Africa, Italy, France, the low countries and Germany during World War II.

¹⁵² Harry Coles and Albert Weinberg, *US Army in World War II; Civil Affairs: Soldiers become Governors*, (Washington DC: US Government Printing Office, 2004), 10

¹⁵³ US Army, Field Manual 27-5; *Civil Affairs Military Government* (Washington DC: Department of the Army, 14 October 1947), 1

been a lack of civilian capacity.¹⁵⁴ The Department of Defense Directive 3000.05 issued in 2005 states “in the event civilians are not prepared to perform these tasks, military forces will assume that responsibility.”¹⁵⁵ The issue of the capacity gap becomes political with two policy decisions to be made; firstly will politicians increase the capacity of the Department of State to match the temporary capacity shortfall or will they accept military governance at the local level. The Army must then make a decision in relation to the significance of stability operations within the operational concept and what resources, if any, need to be reallocated to match the demands for this type of operation.

Future operations aside, contemporary stability operations suffer from a lack of civilian capacity and expertise, at the local level. This shortfall compels a search for alternatives. In 1942 military forces capable of governance offered a pragmatic solution. Local level governance mentorship conducted by the military, in collaboration with CERP monies for development and security operations offers an effective mechanism, which has historical precedents, to establish security, increase government penetration which will enhance the battle for local government legitimacy.

Conclusions

Stability operations are likely to be an enduring component of the US Army’s operational concept. Unlike conventional operations, they have no decisive eloquent battles of maneuver. Instead they are characterized by costly gradual progress whose margins of success or failure can often only be identified with hindsight. To attain legitimate host-nation government stability operations must support force and consent winning mechanisms down to the local level to aid

¹⁵⁴ George W Bush, National Security Presidential Directive 44 dated December 07, 2005, Federation of American Scientists Website <http://www.fas.org/irp/offdocs/nspd/nspd-44.html> (accessed on October 05, 2010)

¹⁵⁵ US Army, Field Manual 3-07; *Stability Operations* (Washington DC: Headquarters Department of the Army, 6 October 2006), 1-15

penetration. The simultaneous provision of governance, development (consent) and security (force) are the processes that stability operations can use to augment government penetration.

Stability operations must consider and utilize the processes involved in state formation. The paradox of having to use force and consent in order to create the conditions for legitimate government to arise must be recognized. Simultaneous application of force as a means of ensuring population control can be utilized in conjunction with consent to create the space within which a government can seek to struggle for its legitimacy. Force or consent applied independently may be inadequate to achieve population control and may therefore delay the legitimate recognition of a government.

Recognition of a government's legitimacy by the indigenous population is the *sine qua non* of stability operations. This occurs at the civil society-government institution interface. To aid this battle for legitimacy its theoretical and historical roots can be understood in terms of normative and empirical assessments. Normative assessments largely reflect the indigenous populations' societal norms. Stability operations can do little to manipulate these longstanding norms except to partner with multiple sources of normative legitimacy, particularly traditional, as recognized by the indigenous population. Stabilization forces can take active measures to assist in the neutralization of competing sources of legitimacy or aid in the local populations' empirical evaluation of their government's input and performance based legitimacy.

Stability operations can aid government penetration, an epiphenomenon of legitimacy. Force and consent must be applied simultaneously at every strata of government to create the conditions within which the population can evaluate government effectiveness and consequently its legitimacy. Stability operations facilitate this evaluation by conducting security, governance and development simultaneously. The combination of these three processes provides the force and consent mechanisms required to enable government penetration.

Historic and contemporary stability operations demonstrate that civilian administrative capacity has been and remains inadequate to provide enduring governance and development

mentorship below the district level when conducting operations across even a moderately sized state. The military realizing the detriment of this lack of capacity established civilian-military hybrid development teams. However, government and development capacity remains inadequate to achieve simultaneity at the local level.

This lack of capacity results in inefficient and unsupervised local level governance and development. Consequently, central government receives the resources so that it can be mentored by the limited number of international development administrators in an effort to build institutional capacity. Ineffective devolution of resources increases inefficiencies at district and local levels of governance.

Institutional resiliency and local level legitimacy reside in a symbiotic relationship. Stability operations overemphasis on one at the detriment of the other is harmful to stable legitimate government. Limited and centralized international administrators orientate their approach around institutional resiliency. Local government left without resources and mentorship becomes reliant on central government distribution and lacks the requisite consent winning mechanisms. Local government becomes slow or unable to meet the demands of the local population consequently the local population assesses its performance to be unsatisfactory. The net result is inefficient government penetration at the local level that results in a corresponding loss of legitimacy.

Military forces have historically fulfilled the role of governance at the local level. Historical examples of stability operations highlight the success of military governance. Although expertise does not widely exist in the contemporary US Army regular component US reserve forces do have some applicable expertise. Military schools have previously taught courses on military governance and could do so again. The military also has a robust mobilization system, designated periods of service as well as clear terms and conditions of service that can compel soldiers to serve at the local level. A clearly defined chain of command can ensure that specific

responsibilities are allocated to individual commanders who can be held accountable for successes or failures.

Contemporary stability operations tend to neglect development and governance at the local level, the consent winning mechanisms of state formation. Civilian capacity is inadequate and has ambitions that lie beyond the provision of a legitimate government and the monopoly on violence. The development community has adopted approaches that may even undermine attempts to establish legitimate government. The military is reluctant to fulfill these roles (governance and development) focusing primarily on security (force). This capacity gap does not reinforce host nation local government penetration and legitimacy. Failure to fill this capacity gap at the local level and to realign the military aims with those of the development community potentially hands the initiative to subversive and insurgent groups; setting the conditions for perpetual failure.

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